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MISHPAT AS THE BASIS FOR HUMAN COMMUNITY:
A STUDY OF JUSTICE IN JEREMIAH AND REINHOLD NIEBUHR

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Arthur W. Richardson

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Arthur W. Richardson

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Faculty Committee

Register
H. A. Rhodes

Date.

June 1971

R. Thomas Twilley

PREFACE

The following work is the result of my own grappling with the basis of justice operative in human society. When one engages the quest for justice, what considerations are essential for one's understanding of its function in human society? What presuppositions does one make in arriving at his understanding of man in community? These questions are central to my task. It is therefore my intention to examine an Old Testament figure (Jeremiah) and a contemporary Christian ethicist (Reinhold Niebuhr) in an attempt to make a comparison of their considerations and presuppositions. From such a comparison I intend to establish some of the potential for justice as it may be applicable in the distinctive mission of the Church. The primary focus centers on one major question: "What is the basis on which justice functions in human society?"

The major Old Testament term for justice, *mishpat*, occurs most frequently in the Psalms and the prophets. Within the latter it occurs most frequently in Isaiah, Ezekial and Jeremiah. Thus I have taken this as an opportunity to work with the texts of Jeremiah, a favorite figure of mine. As I understand Jeremiah, he appears to be a kind of transition figure between the reforming days of Josiah (with the rediscovery of the Law in the Temple 620 B.C.), and the coming days of exile. This prophet sees that in spite of the covenant Yahweh had established with His people, and in spite of the Law, neither had preserved nor advanced the cause of justice. From the Jeremianic texts emerge some essential theological considerations for his understanding

of the basis of justice in human society. The thrust of his prophetic mission, therefore, is not directed toward revitalizing the Law or any legal or political systems for implementing justice. Rather, Jeremiah raises the more fundamental question of the basis of human society itself as it relates to justice.

Reinhold Niebuhr, on the other hand, has a radically different vocational task. He attempts to break with the old liberal assertion which, simply stated, suggests "If we all become loving, our society will become orderly." Such an assertion avoids the whole question of the implementation of justice. Niebuhr, therefore, sets as his task the description of political realities. As a Christian ethicist one might say that he tries to think theologically about what is happening politically. Unlike Jeremiah, therefore, he begins with political considerations and those presuppositions essential for systems that implement the cause of justice.

The basic issue in my comparison of these two figures is to discover those fundamental considerations and presuppositions about justice and about man in community which offer the most potential for the distinctive mission of the Church toward justice in human society. The comparison will not proceed as a critical evaluation of one by the other in order to disprove the tenets of one position or to reveal any contradiction between the two. In fact, while they work with different emphases it appears to me to be the case that the two positions are in many respects compatible and complementary. Nevertheless, each figure has his own vocation and his own hermeneutical principle. Jeremiah

bypasses political considerations to begin with theological ones. For him justice is no longer simply a matter of fulfilling the law of the covenant community. Jeremiah's concern is a more serious matter. For him it is a matter of the perversion of God's *mishpat*, i.e. of His ordering activity. Reinhold Niebuhr, on the other hand, begins with political considerations and moves in the direction of theological justification. The basis for his political considerations is an anthropological statement which leads him to assert that justice is the necessary result of man's sin. To deal with it is a matter of creating systems of justice for the implementation of justice. In the end, Jeremiah considers the dynamics and source of man's perversion of *mishpat*, while Niebuhr moves in the direction of creating systems of justice that deal with the consequences of man's sin.

For Chapter I, I have adopted a methodology from form critical analysis. Methodologically the chapter proceeds with structural analysis, textual and literary criticism, genre, setting in life and intention of the text. In this way the attempt is made to expose some of the biblical traditions and texts that surround the term *mishpat* (justice or judgment). The texts are a selection from those texts in Jeremiah which use some form of *shaphat* (to judge) especially the form *mishpat*. In so considering these texts it was my intention to explore biblically (at least within the Old Testament) the notion of justice. Jeremiah's view of justice thus becomes the goal of this chapter. His view, as derived from the form critical analyses, is summarily stated and expanded in Chapter II. There I have attempted to state the

representations and implications of justice (especially *mishpat*) as I understand them from the Jeremianic material.

These representations and implications not only follow from Chapter I but are later adapted (Chapter IV) for critically comparing them to the material appearing in Chapter III. It is in the third chapter that the position of Reinhold Niebuhr, a contemporary Christian ethicist, appears. His interest in justice within human society is also important for the ensuing discussion. After outlining some of the basic tenets of his position relevant to his understanding of justice, the critical comparison of the alternative sources of justice in human society commences in Chapter IV.

In the fourth chapter the question of the source or rootage of justice arises. Two alternatives are considered. It may be rooted in God's ordering of history; or it may be a necessary result of man's sinfulness. This writer opts for the former alternative arguing the claims of justice are not simply for self-sacrificial love, but for recognition of the needs of the brother as well as for the togetherness of humanity.

Finally, the fifth chapter attempts to suggest (on the basis of the critical comparisons) some concrete possibilities for the distinctive mission of the Church.

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CHAPTER I

EXEGESIS OF JEREMIANIC TEXTS

It is the intention of this study to explore Jeremiah for the basis of "justice" in human society and to compare those findings with a contemporary discussion of justice. Taken together I believe they will illuminate the church's distinctive self-understanding of justice in her mission to the community of man. The nature of such a task begins as a sociological one. Specifically the sociological context for biblical analysis will be centered in selected passages of the book of Jeremiah. The contemporary discussion will center in Reinhold Niebuhr's thought.

To begin the biblical analysis in order to arrive at Jeremiah's understanding of a concept such as "justice," one way is to survey the biblical literature contemporary to his time as well as to survey the traditio-historical background surrounding the prophet and his mission. The literature, in this case, is primarily located in Deuteronomy, especially chapters 5-26. Moreover, within this literature it is possible to indicate the historical setting and traditions of the time of Jeremiah (ca. 627-587 B.C.) without necessitating a description of the entire background.

The book of Deuteronomy itself, however, raises a number of issues. The opening sentence begins, "These are the words that Moses spoke to all Israel beyond the Jordan. . . ." The indication is that the position of the speaker is *west* of the Jordan, i.e. Palestine.

Thus, contrary to earlier analyses, Deuteronomy was probably not authored by Moses. A second more complex and perplexing issue arises around the problem of its dating. If it was not authored by Moses, when was it written or compiled? Similar issues surround the question of the deuteronomic material. Investigation of this book has moved from the stalemated drawing of a general literary structure to an examination of the many individual traditional materials which have been collected in Deuteronomy. In this study, however, special attention is to be given to the sociological settings, the variety of genre, and the theological perspectives evident in Deuteronomy. The purpose of these introductory pages, then, is to offer a general socio-historical background of the period 627-570 B.C. and to provide a summary excursus of the legal, sacral, etc. traditions upon which Jeremiah works. Deuteronomy is to serve as the primary source for this survey. Despite the numerous problems peculiar to this book there are nevertheless salient features which will contribute to an introduction into the time and traditions of Jeremiah.

To begin with, Gerhard von Rad observes that the "characteristic feature" of Deuteronomy is not primarily the two basic forms of the old Israelitic legal maxims, i.e. the apodictic and the conditional maxims. It is rather what he terms "larger and more complex units which, in each instance first require a special analysis."¹ While it is neither within the purpose or scope of these pages of introduction

¹Gerhard von Rad, "Deuteronomy," *Interpreter's Dictionary of the Bible* (Nashville: Abingdon Press, 1962), I, 839.

to perform such analyses as may be required, nevertheless it is essential that we recognize an appropriate methodology dealing not with a "corpus" (Deut. 12-26 as asserted by J. Wellhausen, *et al*, for example), but rather with "paranetic units; . . . for what is genuinely juridical is completely absorbed into the paranetic material. It would be better to speak of 'preached commandments.'"² Such an observation is essential as it indicates the nature of the material available at the time of Jeremiah. It is at least highly questionable that anyone at the time of this prophet had a "corpus" of laws in the general form of Deuteronomy available to him. The present state of research does not affirm such a structure for Deuteronomy, our primary source for background of the last half of the seventh century. We might ask, however, what indications or traditions are evident suggesting the deuteronomic material is at least contemporary to the time of Jeremiah?

Otto Eissfeldt regards as "assured" the identification of the original Deuteronomy with the law book reportedly discovered in 621 B.C. and later made the basis of King Josiah's reform or at least played a decisive role in his reform. These circumstances are in turn to be linked with the political situation at that time. With the death of Ashurbanipal (ca. 630 B.C.) we may assert that the fall of the Assyrian Empire had begun. Such a decline, Eissfeldt argues, would have caused a surging longing for independence in her captive states, as in Judah for example. Indeed, in II Kings 23:15 the writer indicates Josiah's interest in regaining the ancient northern kingdom.

²*Ibid.*, I, 835.

It is possible that in pursuit of his aim of national and political unity Josiah used the book of the law discovered during his reign (II Kings 22:8-13) for its great assistance and welcomed support.³

There is other evidence to suggest that Deuteronomy is contemporary to the time of Jeremiah. Not only did the book of the law influence the unifying and purifying of the cults during Josiah's reform, it most likely also influenced subsequent writers and reformers. According to S. R. Driver, the early prophets (e.g. Amos, Hosea, and Isaiah) show no traces of the influence which Deuteronomy may have had. In Jeremiah, however, the deuteronomic influences are not only "clear and indisputable" but the prophet "exhibits marks of it on nearly every page. . . ." Moreover, Driver claims, the

. . . prophetic teaching of Deuteronomy, the dominant theological ideas, the point of view from which the laws are presented, the principles by which conduct is estimated, presuppose a relatively advanced stage of theological reflexion, as they also approximate to what is found in Jeremiah. . . .⁴

The evidence indicates a significant degree of contemporaneity of the *traditions* (as opposed to a similarity of outlines) contained in Deuteronomy (especially in chapters 5-26) and their subsequent influence in both the times and the book of Jeremiah. It is, again, neither the intention nor within the scope of this paper to compare and contrast Jeremianic and Deuteronomic ideas, theology, or perspectives.

³Otto Eissfeldt, *The Old Testament* (New York: Harper & Row, 1966), p. 232.

⁴S. R. Driver, *An Introduction to the Literature of the Old Testament* (Cleveland: World, 1965), p. 88.

It is more specifically important to begin sharpening our focus not only on the genre in which the various traditions are set, but even more so upon those traditions which address themselves to the problem of justice in the context of law, for example.

Generally we may gain an overview of the various groups of laws or "preached commandments" from Otto Eissfeldt.⁵ Regulations governing matters of civil law are reported in the casuistic style using the characteristic formulae, "suppose that" and "if" (cf. Deut. 21:1-9; 21:15-17; 22:13-21; 24:1-4; 25:5-10). The second category listed by Eissfeldt is that of "commands" all ending with the expression, "For that is an abomination to Yahweh (your God) or 'he is an abomination,' or 'he who does,' 'everyone who does that' or 'both of these are abominations, etc. . .'" (cf. 16:21-17:1; 18:9-12; 22:5; 23:19; 25:13-16). "Humanitarian laws" is a third category with examples occurring in 22:1-4; 23:16-17; 23:20-21; 24:6-25:4; 21:10-14; 23:10-15. Finally, there are "centralisation laws" directed at the rejection of the many sanctuaries and the desire for the centralization of the cultus. What is therefore to be found in this literary source (especially chapters 5-26) is basically an historical narrative recounting the events at Sinai and how Moses received the revelation of Yahweh's will (5:1-28); Moses recounts the message he had received on Sinai (5:29-6:3). The next major part of the structure is an exhortation or appeal for the loyalty, gratitude and *obedience* of the

⁵Eissfeldt, *op. cit.*, pp. 223-225.

people (6:4-12).⁶

Legal regulations follow concerning altar law, unclean animals and apostasy, for example (12-14). The Year of Release, Bondage of debtors and feasts are covered in 15:1-16:17. In following chapters (16:18-18:22) the regulations covering the offices of the judge, king, priest, and prophet are listed. There seems to be no discernible plan in chapters 10-25, except to recount regulations concerning cities of refuge, laws of war, as well as statements of family rights and precepts of a general humanitarian nature. A formula of commitment to the covenant is found in 26:16-19. Deuteronomy closes with a kind of practical application in describing blessings to follow obedience (28:1-14) or curses (28:15-68) to follow the disobedience of the people.

With this introductory overview of the legal categories of Deuteronomy 5-26 it is possible to move in for a closer look at specific genre. Generally it will be helpful for later discussions to examine five particular genres and offer various examples in which some form of *mishpat* occurs within each genre. The five genres include historical narrative (5:1-6:3), homiletical exhortations (5:9-9:7; 10:12-11:32), legal precepts (12-14), cultic and/or civil law (16:18-18:27), and a covenant formula (26:16-19). Within these examples it

⁶It is essential to note here the very fundamental basis of the mission of Jeremiah and therefore of the ensuing discussion. His mission is to be focused upon the relationship the people have with Yahweh. Even before the laws are mentioned, Yahweh's ordering of existence (past, now and yet to come) is emphasized. A further word on this perspective of "ordering" will follow shortly.

will further be possible to list the traditions (legal, sacral, etc.) so fundamental to Jeremiah.

Mishpat occurs in its narrative form (5:1, 5:31, 6:1) as "judgment" or even as "ordinances." In its verbal form it is also used in the sense of "declaring to be right" or "justifying." A good example occurs in 6:1--"Now this is the commandment, the statutes and the ordinances [*mishpatim*] which Yahweh your God commanded me to teach you. . . ." The tradition of law is the covenantal context of the coming together of God and man. The particular laws surrounding Israel's social responsibility, then, revolved around the relationship between God and Israel and therein derive direct authority from Yahweh Himself. It is also to be noted that throughout Deuteronomy there are four major social categories used in describing the realities and responsibilities of the community. These words and phrases represent the fabric of the community's relationships. The *order* of a community is to be evaluated in terms of its relationships with and attitudes toward (1) the widow, (2) the fatherless, (3) the stranger within the gates, and (4) the shedding of innocent blood. These claimed *first priorities* even before the institutions of the Israelite community (Jer. 7:1-15).

A second genre, homiletical exhortation, is in evidence in 5:1-9:7 and in 10:12-11:32. These loose collections are generally introduced in the form of a speech by Moses. The first section includes a recitation of the decalogue (5:1-18). Specifically these are exhortations to faithful obedience. The sermon form recalls the

history of the covenant at Horeb, recounts the statutes and *ordinances* (*mishpatim*), and exhorts the entire community to respond in faithful worship and obedience.⁷ The tradition of election as well as the people's covenantal responsibility is a central presupposition to Jeremiah's prophecy. On the basis of the covenant tradition it is possible for him to speak of *mishpat* as *relationship* (between men and God as well as among men) based upon justice.

Before continuing it is essential to make clear the relationship between covenant and law, as well as covenant as the basis for justice. Since the Abraham-Davidic covenant the people of Israel acknowledged their togetherness as a community under the guardianship of Yahweh. As they recounted their salvation history of the mighty acts, provisions, and promises by Yahweh, the covenant came to symbolize the givenness of order which Yahweh had established and was revealing to them. The covenant further indicated the basis for ordering their interpersonal relationships and affirming their togetherness. The intention and importance of the covenant, therefore, was to provide the conditions for the social ordering of human togetherness, i.e. for seeing people as belonging together. The good of society demands certain promises be fulfilled by the actions of others. Thus the covenantal relationship served as a basis for social ordering and solidarity among the people.

The relationship which law and subsequently also justice have

⁷Eissfeldt, *op. cit.*, p. 221.

with covenant can be seen in the relatively late development of the legal traditions. They were later introduced with the intention of *confirming* the covenant as binding, and to protect the order of covenantal relationships. Originally the laws of the Old Testament expressed the expectation that the past order would thereby be restored. They were in fact, however, dependent upon the continuing existence and validity of that particular ordering of society. With the decline and loss of that ordering, however, law stabilized as an absolute entity. It is a case of human institutions arising from human situations. The latter fade but the former remain and assume a validity and worth which was never their due. Such a progression of law presupposing a situation (in this case of order provided by covenantal relationships), growing to protect that situation, and becoming an absolute entity with independent validity and worth represents a radical shifting away from divine activity toward human possibility. Justice, therefore, became corrupted and God's *mishpat* perverted as the people turned to their own resources and structures without first affirming the ordering reality which was at stake. The former condition of order (covenantal relationships) was first to be fulfilled before structures of justice could more clearly reflect the activity of Yahweh among His people.⁸

⁸For a more complete discussion of the relationship between covenant and law I would recommend George E. Mendenhall, "Covenant Forms in Israelite Tradition," *Biblical Archaeologist*, XVII (September 1954), 50-76, and Martin Noth, *The Laws in the Pentateuch* (Edinburgh: Oliver & Boyd, 1966).

To return to our earlier discussion of the genre in which some form of *mishpat* occurs, we note that some form occurs also in legal precepts (Deut. 12-14). These are the precepts given to a people chosen by Yahweh (i.e. the tradition of election). The form introduces something the people of Israel are to *do* in the land where they are to settle: "These are the statutes and *ordinances* which you shall be careful to do in the land which Yahweh, the God of your fathers, has given you to possess. . . ." (Deut. 12:1). Perhaps an example will be helpful in understanding the significance of Deuteronomy's use of this genre. Exodus 21:2 recounts the following ordinance:

When you buy a Hebrew slave, he shall serve six years, and in the seventh he shall go out free, for nothing.

Deuteronomy 15:12-15 not only recounts the ordinance but reveals a deeper intention for his action:

If your brother, a Hebrew man, or a Hebrew woman, is sold to you, he shall serve you six years, and in the seventh year you shall let him go free from you. And when you let him go free from you, you shall not let him go empty-handed; you shall furnish him liberally out of your flock, out of your threshing floor, and out of your wine press; as Yahweh your God has blessed you, you shall give to him. You shall remember you were a slave in the land of Egypt, and Yahweh your God redeemed you; therefore I command you this day.

What may be regarded on the surface at least, as purely civil law is given depth by the implied religious motivation and ideals. (Cf. also Deut. 19:1-3 and Exodus 21:12-14; Deut. 22:25 and Exodus 22:16-17.)

Actual law, whether already statutory or merely customary, was interpreted by the author of D in the spirit of the reforming prophets. Law ceases to be custom and becomes a divine commandment, God's will . . . being the standard. God is particularly concerned with the rights

and welfare of the weaker members of society and condemns actions which are technically legal but cause severe hardship on widows, orphans, and resident aliens.⁹

In addition to covenant and election, we have a third major tradition (commandment or instruction by law) presupposed and utilized by Jeremiah. We shall see (Jer. 7:1-15) how he adopts the tradition of law as a way of presenting Yahweh's commands for a wayward people.

The fifth and final genre to be noted is the covenant formula which appears in Deuteronomy 26:16-19. This genre is indeed significant for our discussion. In this formula it is the *doing* of God's statutes and *ordinances* (*mishpatim*) which is the very essence of the covenant made between the people of Israel and Yahweh their God.

In each of the five genres some form of *mishpat* appears. What is significant is the way in which the genres lend perspective and theological understanding to the concept of justice (or judgment). I will focus in on this significance in the discussion of Jeremiah's particular use of this concept. At this point suffice it to say that what we find in Deuteronomy is no small theological accomplishment. It does indeed include "the most varied traditions, the belief in election (of a chosen people), the tradition of the patriarchs, the traditions of Moses and the revelation of God on Mt. Sinai. . . ."¹⁰

That such a work (though not in its present form) came to light and was utilized during the reign of Josiah is important in and

⁹Robert H. Pfeiffer, *The Books of the Old Testament* (New York: Harper & Brothers, 1957), p. 54.

¹⁰Rad, *op. cit.*, I, 837.

of itself. That it was used so extensively by Josiah is perhaps helpful in gaining a glimpse at the theological perspective prominent in the second half of the 7th century. Standing behind such a theological perspective is a view of an *ordered* world, even an ordered cosmos. One has to understand the nature of such a world view (or theological perspective) if he is to make any sense of the social order, his own existence, or of God Himself. To the Israelite there was a preunderstanding of ontology which affirmed that God readily revealed the order of the cosmos in a basic sense which in turn was transparent to the revealer (God). That is to say, God is *essentially* related to reality as creator, revealer, maintainer, etc. The world is viewed as one, in a *wholistic* sense. God as its creator was therefore good, for he was the provider and sustainer of *order*. The world in all its elements is *one*, i.e. it is *ordered*, not fragmented. God, therefore, is not transcendent in any way as to be unrelated to events in the world, i.e. to reality. To speak of God (Yahweh), the Israelite emphasized two aspects of his theological perspective: (1) The reality of the world in its unperverted character is revealed by God; (2) The *unity* or wholeness of the world is the true characteristic of that reality. Later, Jeremiah functions upon this same fundamental basis. He sees that when the claims and rights of the widow, poor, stranger, etc. are ignored then the reality and order of this world, Yahweh Himself, is ignored and the people deceive themselves. The whole question of *order*, therefore, is an essential preunderstanding upon which Jeremiah also prophesies as we shall see later.

Gerhard von Rad is correct, I believe, in noting the great variety of traditions assembled in Deuteronomy. Formerly the Israelite was obliged to honor holy places and observe their particular regulations and traditions. Deuteronomy, however, while not presuming to fix the doctrine of Israel, is nevertheless in earnest with its assertion of the indivisible Yahweh. When von Rad approaches historical events in the historic creeds, he rightly assumes the creed is not written to report an event alone. Rather, he argues for a position of the faith of the writer himself. The traditio-historical methodology demands mutual consideration of historical event and theological interpretation. The question, however, that needs to be raised concerns the possibility of an originating factor without which neither the historical event nor the theological interpretation would have come into being much less been continued.¹¹ Von Rad, I believe, even suggests that in Deuteronomy that factor unifying event and interpretation is the roots which Israel had in Yahwism. He notes it was Yahweh who granted the Torah through Moses, promised the land of Canaan as an hereditary possession; and finally that "Jahweh, sovereign not only in the shaping of history, is also the unique dispenser of every blessing of the earth. . . ."¹² It is Yahweh Himself who has ordered and secured the life of His people. It is He who has provided the order of their experiences. The point is, however, that the encounter with

¹¹Rolf Knierim, Lectures in the class, "Old Testament Theology." School of Theology at Claremont, October 20, 1969.

¹²Rad, *op. cit.*, I; 837.

Yahweh was not limited to any one category of experience. As the five genres previously listed indicate He was encountered in various dimensions of human experience, e.g. human history, juridical contexts, even covenantal relationships. Israel, then, had to be open to any dimension of Yahweh's confrontation whether it be encounter, revelation, or covenant. I find myself in concurrence with Dr. Rolf Knierim's assertion that rather than reality being a presupposed framework through which God acted, Yahweh *Himself* created the realities, i.e. those life experiences and dimensions which were so new to the Israelites (even to us today) that they (we) can only react.¹³ What we observe in Deuteronomy by way of isolating the genre and traditions is the presence and activity of Yahweh in the midst of Israel's political (judicial), social (cultic legislation), even religious (covenant) life. We also note Israel's response to His words to Moses and His actions. In sum,

Thus, Deuteronomy is the word of Moses to an Israel which is in a very advanced hour of its history. This Israel, which outwardly no longer resembles in any respect the one which was once on Horeb--it has kings, prophets, and is even acquainted with false prophets!--comes once more under the sovereignty of Yahweh, in order to be claimed by him as his people. . . .¹⁴

Throughout the deuteronomic material the various genres point to different intentions: to narrate, to exhort to faithfulness and obedience, to legislate and regulate the cultus, and to bind the people of Israel

¹³Knierim, *op. cit.*

¹⁴Rad, *op. cit.*, I, 837.

together with Yahweh that the promises made by him to them may be fulfilled.

The significance of this overview discussion of Deuteronomy, a literary work contemporary to the time of Jeremiah, is foundational. It is foundational insofar as it provides us with some understanding of the nature of the sociological context contemporary to the time of Jeremiah. The overview is further foundational in demonstrating the pervasiveness of the legal traditions within the community upon which Jeremiah rests. Any discussion of justice, for example, must therefore be viewed particularly in the context of legal traditions. For it is law that pervades the basis of the society of his time as evidenced by the variety of legal categories discussed. It is also within the context of law that man and God come together. It is the legal tradition that spells out God's will for His people.¹⁵ It is the covenantal tradition which embraces the social responsibilities of His people and subsequently provides the basis for order of the society. In short, the overview is intended to point out that at the time of Jeremiah the people of Israel considered themselves called (elected) by God to covenant and instructed by law (divine commandment).¹⁶ It is Otto Eissfeldt's observation which points the way to

¹⁵Eissfeldt, *op. cit.*, p. 223.

¹⁶It is important to explain here that the writer is *not* speaking of the theological problem of *legalism*. The use of the word "legal" is intended throughout to refer to the ritualizing of life, especially in protecting the covenantal basis for order. "Legalism" or "legalistic" connote a negative attitude which speaks of the distorting of the intention of law. It refers to the absolutizing of law at the

the discussion of "justice" in Jeremiah:

D is thus to be understood as the deposit of a cultic-religious and social-humanitarian movement. . . . The supporters of this movement we must picture as prophets and priests. . . .¹⁷

A final word is in order regarding the selection of the texts to be considered in Jeremiah. I began by doing a statistical analysis of the root *shaphat* as it occurred in Jeremiah. The Appendices give some indication of the variety of possible forms and uses. Once I had listed the various forms I picked out those passages with the particular form, *mishpat*. I also began to note recurring words and phrases surrounding the term, *mishpat*. A list (Appendix B) was then compiled to group these recurring words and phrases together with the different passages in which they occurred. For example, some verbal form of "doing justice" (also "ruling," "executing," etc.) recurred in 5:1, 7:5, 9:23, 22:3, etc. The final step was to select some of the more frequently recurring words and phrases. The five most frequent verbal forms included (1) to minister, execute, do, or plead the cause of justice; (2) to judge, announce, or pronounce; (3) doing justice; (4) to oppress, wrong or extort; and (5) to know the ordinances. The most frequent nominal forms included: (1) evil deeds; (2) the helpless or orphan; (3) judgment; (4) ordinances. From *mishpat* and surrounding

expense of the order, reality, or situation it was intended to protect. Thus, to preserve His order, God's love also requires His law. (Thus, social categories such as "legislative" and "juridical" can be positive expressions.)

¹⁷Eissfeldt, *op. cit.*, p. 223.

recurring words or phrases I came to a number of passages that I felt I could handle and that would offer a fair indication of the understanding of justice in Jeremiah. Naturally those forms of *shaphat* which could be translated as "justice" took precedence. My choice of texts, therefore, depended to a large extent on those forms of *shaphat* that were not only translated as "justice" but were also illuminated by a surrounding word or phrase that recurred frequently. From that point of selection of texts it was essential to allow the text to make its own statement.

To proceed from critically, therefore, provided the best available methodology. Each text begins with a structure analysis to offer an overview of the text itself with its own elements in their unique relationship. Consideration to the literary problems of the text, to the genre, as well as to the setting in life and intention of the texts permits the integrity of the text to come through. I am not interested in the case that I might be able to make with the aid of my own particular cultural background, worldview, etc. Nor am I interested in using passages at random to aid in the establishment of my own particular bias. The thrust of this project is to critically come to grips with the biblical texts themselves and only then dialogue with them in an attempt to discover their message for a contemporary situation, if indeed such is at all possible from the texts. With this having been said we are ready to consider the texts themselves.

JEREMIAH 1:13-19

Translation

(13) A second time the word of Yahweh was spoken to me, asking, 'What do you see?' 'I see a cooking pot on the boil,' I answered 'with its contents tilting from the North.' (14) Then Yahweh said:

'The North is where disaster is boiling over
for all who live in this land;

(15) since I am now going to summon all the kingdoms of the North--
it is Yahweh who speaks.

They are going to come, and each will set his throne
in front of the gates of Jerusalem,
all round outside its walls,
and outside all the towns of Judah.

(16) I am going to pronounce my judgments against them
for their wickedness; since they have abandoned me
to offer incense to other gods
and worship what their own hands have made.

(17) 'So now brace yourself for action.

Stand up and tell them

all I command you.

Do not be dismayed at their presence,

or in their presence I will make you dismayed.

(18) I, for my part, today will make you
 into a fortified city,
 a pillar of iron,
 and a wall of bronze
 to confront all this land:
 the kings of Judah, its princes,
 its priests and the country people.

(19) They will fight against you
 but shall not overcome you,
 for I am with you to deliver--
 it is Yahweh who speaks.

Structural Analysis: Report of dialogue between Yahweh and Jeremiah

I. Dialogue	vv. 13-19b
A. Question of Yahweh	v. 13a+b
1) Introductory formula	
2) Question	
B. Answer of Jeremiah	v. 13c
1) Introductory formula	
2) Answer	
C. Concluding announcement of Yahweh	vv. 14-16
1) Introductory formula	v. 14a
2) Speech	vv. 14b-19

- a) Word of judgment vv. 14b-16
 - 1. Announcement
 - 2. Reason
- b) Personal application vv. 17-19b
- II. Concluding report formula v. 19c

Textual Analysis

While there are some questions that might be raised concerning certain words of this text, there are no major variants requiring examination in order to determine the correct or preferred reading. In this case, as in most of the following texts to be considered, I follow the Jerusalem Bible's translation.¹⁸

Literary Analysis

Verses 13-16 are but a part of a collection of verses gathered under one chapter. The first three verses of chapter 1 provide a superscription of the main character and general time and setting for the events to be reported. It is followed by vv. 4-10 wherein the call is described in some detail. The next two verses (11-12) are a report by Jeremiah of the first of two visions. The unit with which we are concerned is the report of his second vision. Within this unit, vv. 15-16 are probably expansive additions. They only elaborate the

¹⁸ Asterisks (*---*) are used to set off my own particular choice of words in those cases in which I have decided the English could be closer to the Hebrew root behind the English text as it appears.

simple statement of v. 14 which parallels the simple announcement following the first vision (v. 12). Philip Hyatt¹⁹ concludes they are "the counterpart of 25:1-13a and reflect the Babylonian siege of Jerusalem . . ." Verses 17-19 conclude the account of the call and contain the commissioning of the prophet.

John Bright²⁰ suggests the vision described in vv. 11-12 occurred later and the vision in vv. 13-16 later still. The text offers internal evidence that such is the case, insofar as they interrupt the flow of vv. 4-10. It is further possible that vv. 17-19 follow vv. 4-10 more closely in concluding the account of the call. It is therefore conceivable that a later editor inserted his report of two visions (vv. 11-16) along with the report of the call (vv. 4-10) to precede the challenge and conclusion of the call (vv. 17-19).

Otto Eissfeldt²¹ believes that verses 11-17 (19) are to be seen as part of the "original scroll or more properly its enlarged 'new edition' . . ." and therefore "deriving from the years 626-605 B.C." He further points out that Weiser and Rudolph also affirm the genuineness of these passages but have not assigned them to the scroll belonging to Jeremiah. To Weiser it is in vain (Fohrer: "Hopeless") to attempt to recover and reconstruct the original scroll. According to Eissfeldt, Rudolph wishes to assign it to Mowinckel's²² source A,

¹⁹J. Philip Hyatt, "Jeremiah," *The Interpreter's Bible* (Nashville: Abingdon Press, 1951), V, 789.

²⁰John Bright, *Jeremiah* (New York: Doubleday, 1965), p. 7.

²¹Eissfeldt, *op. cit.*, p. 351. ²²*Ibid.*, pp. 355ff.

which includes a collection of sayings and poems. That they are autobiographical reports dating from that period suggested above is significant in determining the genre of this passage.

Form Criticism

Genre. Georg Fohrer²³ points out that the data contained in the Book of Jeremiah regarding the scroll, "allow us to say that it contained only sayings and no reports." If this is to be accepted, it is difficult to say with Eissfeldt that these autobiographical *reports* are part of the original scroll. I am inclined to consider their structure as a *report* about a vision or even about a Yahweh-word-event, rather than a saying as, for instance, the saying directed against Judah and Jerusalem in 8:4-9. The content of the unit has to do with a vision. The context in which it is set is that of a report and is therefore probably not a part of the original scroll.

Setting in life (of the vision). The immediate context of the vision is quite likely one of Jeremiah's private moments. The presence of the kettle and cooking fire indicates it is nothing more than a common, daily situation. While standing near the boiling pot, pondering the impending judgment announced to him by Yahweh, and the upheaval and unrest in the north, he must have wondered how and by whom the judgment would come.

²³Georg Fohrer, *Introduction to the Old Testament* (Nashville: Abingdon Press, 1968), p. 393.

Exegetical Conclusions

It is important to see the larger historical context for its significance to this passage. Jeremiah himself in no way names the kingdoms of the north and it is unnecessary for us to try to specify which he may have had in mind.²⁴ On the other hand, outside of the prophet's reflections, it is important that we have all relevant data, facts and events surrounding this prophecy. The writer's reference to 'all the kingdoms of the North' (v. 15) would include among others the great powers of Assyria and Chaldea. The Assyrian capital, Ninevah, fell under the allied armies of the Medes and the Chaldeans (612 B.C.). The Chaldeans' final victory came in 605 B.C. at Carchemish over the remaining Assyrians and their Egyptian allies. That same year Nebuchadnezzar came to the throne in Babylon of Chaldea. The historical position is to be viewed relative to these international events. Pharaoh Neco had marched his armies through Judah on his way to the Euphrates River to aid the Assyrians. King Josiah of Judah met his death at the hands of Neco either in battle or perhaps in private for refusing aid to the Egyptians. Josiah's son, Jehoahaz, is later deposed by the Egyptians on their return from Mesopotamia and replaced by his brother, Jehoiakim. Jehoiakim ruled as a proud and oppressive king for 11 years (609-598 B.C.). While he was at first subservient

²⁴ Although it is not crucial to our discussion here the reader should be aware of the so-called "Scythian Hypothesis" which suggests a Scythian incursion into Palestine sometime between 630 and 625 B.C. For a more complete discussion and its relevance for this passage see Wilhelm Rudolph, *Jeremiah* (Tübingen: Mohr, 1958), pp. 44ff.

to the Egyptians, he switched allegiances to Babylon after their victory at Carchemish. His indecision on paying tribute, however, brought invasion and final siege (598 B.C.) of Jerusalem.

As Jeremiah broods over the internal instability caused by the rapid succession of kings since Josiah, and as he broods over the wickedness of the people he knows Yahweh will not withhold his judgments. His thoughts of his own prophetic existence revolve around the relationship of the worldly and human events to the presence and activity of Yahweh. It is in this context that Jeremiah reports a vision in which Yahweh assumes the initiative for bringing the reality of man's experience (in this case represented by a boiling pot) together with an interpretation to create yet another reality, viz., the revelation of God's presence and activity. It is Yahweh who asks Jeremiah what he sees; designates the North as the source of impending disaster; announces divine judgment; and lists the offenses of Judah.

Two conclusions are evident. It is clear that the people bear the responsibility for the way they use the reality given to them. In spite of the law it is their wickedness, their abandonment of Yahweh, and their false worshipping of what their own hands have made that has provoked Yahweh's judgment. Secondly, it is Yahweh himself who will announce *his* judgments, as indicated by the so-called "middle formula," NeUM YHWH. This can be seen not only in the text but also from a stylistic analysis of the form of a vision.

Die Frage Jahwes; 'Was siehst du?' und die Bestätigung: 'du hast recht gesehen' (11f. und 13) gehören zu den Stilformen der Visionen, vgl. 24,3; Am 7,8; 8,2; Sach 4,2; 5,2; diese

katechetische Stilform bringt zum Ausdruck, dass der Prophet von einer ausser ihm stehenden Macht veranlasst wird, zu sehen und zu denken. Wie im Am 8, 1f. haben wir hier eine geistreiche *Wortspiel-Vision*; das Wort bringt die Erleuchtung.²⁵

This leads us to the point of considering a specific aspect of *mishpatai* = my judgments, i.e. of Yahweh. The key aspect at this point is Yahweh's initiative. Even though this vision, for instance, is in the context of the prophet's personal experiences and thoughts about the impending judgments, he does not consider himself to be his own agent. Rather, he is God's man.

Der Visionär had die Überzeugung, dass die Erscheinung samt ihrer Einzelform und ihrer Erklärung nicht von ungefähr ihm eingegentritt und nicht aus ihm selbst aufsteigt, sondern ihm aufgenötigt wird, diese Überzeugung ist wohl dadurch vermittelt, dass die Erscheinung oder die Verbindung des Gedankens mit der Erscheinung plötzlich und stark sich einstellt. Was in dem Bewusstsein der Propheten mit einer solchen nicht von ihnen selbst abgeleiteten Kraft auftrat, das musste für sie von Jahwe herrühren.²⁶

It is here that our interpretation of *mishpat* elucidates the intention of the entire passage. By announcing His judgments (*mishpatai*) Yahweh causes the prophet to speak a word to the people. The judgment speech makes known the rationale of Yahweh. He argues via the word of judgment as in a court of law. The intention, therefore, is twofold. It is first to assert His initiative by making His judgments known. Secondly, it is to establish the prophet as His messenger among men. Yahweh's response is not in abstract, theoretical form. It is set within the historical framework. What may have seemed to be

²⁵Paul Volz, *Der Prophet Jeremia* (Leipzig: Deichert, 1928), p. 9.

²⁶*Ibid.*, pp. 10-11.

ordinary circumstances are seen by the prophet as the presence and activity of Yahweh in the affairs of men, "weil er glaubte dass Jahwe ihn darauf hinwies und ihm die geistige Deutung gab."²⁷ Further, his judgments are to occur within and through the affairs of men. The judgments will come from the North, as we later discover, at the hands of men. We are to have no doubt, however, that what appears to be the ordinary occurrences of men are to be understood as the working out of Yahweh's judgments with the initiative for these actions belonging to Yahweh himself. This is the vision of the prophet, "Als Ein Geweihter ist er Verkündiger des göttlichen Schicksalswillens; das ist sein ursprünglicher und hauptsächlicher Beruf. . . ."²⁸ The totality of his prophetic existence is determined by Yahweh. And unless Yahweh is to be rejected, Jeremiah must stand within the whole of his experiences and the experiences of men.

²⁷*Ibid.*, p. 11.

²⁸*Ibid.*, p. 9.

JEREMIAH 5:1-6

Translation

5:1 Rove to and fro through the streets of Jerusalem,
look, now, and learn,
search her squares;
if you can find a man who does right
and seeks *after faithfulness*,
then I will pardon her, (Omitting the Jerusalem Bible's "says Yahweh"
which does not appear in the Hebrew.)

(3a) Yahweh, do not your eyes desire to look on truth?

(2) But though they say, "As Yahweh lives,"
they are, in fact, uttering a false oath.

(3b) You have struck them; they have not felt it.
You have crushed them; they have ignored the lesson.
They have set their faces harder than rock,
they have refused to repent.

(4) 'Only the ordinary people' I thought 'behave stupidly,
because they do not know what Yahweh requires,
nor the ruling of their God.

(5) I will approach the men in power
and speak to them,
for these will know what Yahweh requires,
and the ruling of their God.'

But these, too, had broken the yoke,
had burst the bonds.

(6) And this is why a lion from the forest strikes them down,
a desert wolf makes havoc of them,
a leopard lurks round their towns:
whoever goes out is torn to pieces--
because of their countless crimes,
their ever increasing apostasies.

Structural Analysis of Speech by Yahweh to Jeremiah

I. Yahweh speech	v. 1
A. Commissioning of the prophet	v. 1a
B. Announcement of forgiveness	v. 1b+c
II. Prophet's response	vv. 2-5
A. Question about the problem	v. 3a
B. Statement of the accusation against the people	vv. 2+3b
C. Development of the accusation	vv. 4-5
1) Report of actions with the poor	v. 4
2) Report of actions with the men in power	v. 5
III. Yahweh's judgment explained	v. 6

Textual Analysis

Several key words appear in this text. The use of the conditional "if" (v. 1b) often implies a doubt whether what is asked for is in fact to be found or even exists. In this case the word assumes a significant role in establishing the "legal" procedure with which the announcement of the coming judgment is to proceed. The noun, eh-mu-nah, is often translated "truth." However, I believe the implication is too philosophic for the broader application of the word. When one is doing justice he is in keeping with God's justice, i.e. God's will. Therefore, I will use the word "faithfulness" instead of "truth," which is also in keeping with the lexicon (Brown, Driver, Briggs, p. 441), and with Rudolph who translates "truth" as "Redlichkeit," "honesty" or "sincerity." (Cf. Isa. 59:4.)

Other variant readings are suggested by Fohrer²⁹ who reads vv. 1-3+6, 4-5. Rudolph and the order rendered in the Jerusalem Bible, 1, 3/2/3, 4-6, are in agreement. As this reading lends both a sense of continuity to the meaning of the text, as well as smoothness to the reading itself it suggests itself as the best possible translation. Further, Rudolph places the arrangement of the verses alongside the meter: 1 (3+2, 3+2, 3+2, 2+2), 3/2/3/ (2+2, 3+3, 3+4, 3+2), 4 (3+2, 3+2), 5 (2+2, 4+2, 4+2), and v. 6 (4+3, 3+3, 3+3). Here the meter indicates a form of prose, dialogue, and conversation which is supported by the reading of the text.

²⁹Fohrer, *op. cit.*, p. 394.

Literary Analysis

In tracing the thought of the text the question of v. 3a not only makes the meter a little more uneven it also interrupts the flow of the monologue. With v. 3a to open the prophet's reply to Yahweh's commissioning, he acknowledges the primary issue at hand which is the subject of Yahweh's speech in v. 1. The transition is smoother from v. 1 to v. 3a insofar as the same word is used in identifying the substance of this conversation between Yahweh and his prophet, אמרנה.³⁰

In tracing the main strand of this text, Fohrer suggests the text is probably part of the original scroll which was dictated to Baruch stemming from the first part of Jeremiah's ministry, 626-622 B.C. The actual written transmissions began around the year of 605 B.C. with the above-mentioned original scroll, or what Eissfeldt prefers to call its "enlarged edition."

Form Criticism

Genre. According to the structural analysis, the Yahweh-speech of v. 1, Jeremiah's response in vv. 2-6, the unit is apparently set in the form of a courtroom debate, or dialogue. It is possible to assume either Yahweh or Jeremiah as speaker at the end of v. 5 and in v. 6.³¹ The speaker in the beginning of the following verses (vv. 7ff.) is definitely Yahweh as the dialogue between God and the prophet continues.

³⁰Cf. also Rudolph, *op. cit.*, p. 34.

³¹Bright, *op. cit.*, p. 39.

The dialogue continues only between God and prophet at this stage and is therefore not a specific message for Judah and Jerusalem. "Wir haben hier keine öffentliche Rede, sondern eine Aufklärung Jahwes an den Propheten, eine innere, zunächst für ihn selbst bestimmte Erleuchtung."³² The dialogue is perhaps to be compared with the procedure within a court of law. It begins with the announcement that there is to be a judgment, followed by the bringing of the charges, further elaboration and development of the charges or accusation.

Setting in life. The point of reference of this debate is located in Jerusalem. Anathoth, but three miles from Jerusalem, was the birthplace and residence of Jeremiah. Yet the directive of v. 1 moves our attention to the capitol city. More specifically, the search is to take place in the streets of the city as well as in the squares where the concentration of people and businesses is greatest. The prophet's search is to be conducted among the people in the mainstream of daily living.

Traditio-historical remarks. It is important to note the words surrounding *mishpat* in this unit particularly. To begin with the prophet is directed to "seek in order to find" if there is a man in Jerusalem whose actions will warrant Yahweh's pardon.³³ The directive is qualified by an "if" which often implies a doubt whether what is

³²Volz, *op. cit.*, p. 60.

³³The tradition of searching for a group of righteous people is also found in much earlier literature of the Old Testament, e.g. Gen. 18.

asked about is to be found or even exists. If, however, there does in fact exist such a person, the prophet will find him. The discovery, it is emphasized, will be by sight, i.e. that which is searched for will be visible. Two more verbs ("look and observe") indicate that the prophet will know the one doing justice and acting faithfully when he discovers and observes him. Further, justice (*mishpat*) and faithfulness are the results of doing (עָשָׂה) and of seeking (חָקַק), both verbs representing ordinary human actions. That is to say, the acts of justice and faithfulness are concrete actions to be done and to be sought after. They are concrete inasmuch as they are visible to sight and human recognition.³⁴

The phrases "what Yahweh requires" and the "ordinances of their God" are equally important to this unit. They reassert that the initiative and standards of justice are Yahweh's. "Es geht bei alledem weder um ein menschliches Zweifeln oder Rechthabenwollen, sondern um die Einsicht in die Klarheit und Geltung des Gotteswillens."³⁵ Both Hosea and Ezekiel traced Israel's sin to ignorance and level their charges of negligence on the priesthood who is, after all, responsible for knowing and communicating the ordinances of Yahweh.

³⁴Jeremiah had not been able to discover such a just and faithful person either among the "ordinary people" or the "great people." We learn from Roland de Vaux, *Ancient Israel* (New York: McGraw-Hill, 1965), I, 69-70, that the latter group consisted of the ruling class during the monarchical period as well as the administrators, "heads of influential families" and men of position and power which would include the priests and the prophets. The ordinary people, or the uneducated, working class could not afford the time of day to study, and 'to know the ordinances of their God.'"

³⁵Volz, *op. cit.*, p. 50.

The metaphor is used at the end to emphasize the necessity of the search. It is because of the break occurring between Yahweh and his people. Once the oxen break loose of the yoke and their bonds they wander aimlessly. The farther away they wander the more likely prospects they become for such predators as the lion or leopard. Again the yoke and the bonds are common metaphors used to refer the Yahweh's ordinances.³⁶

Exegetical Conclusions

It is clear from the beginning that Yahweh is particularly concerned over the growing rift between him and his people. The break is so drastic it is probably impossible to find even one person who continues to perpetuate the bond with Yahweh. The passage characterizes the break negatively by pointing out the people's insensitivity, their refusal to repent, as well as their ignorance of Yahweh's ordinances. This is the worst to be said of the people: "Sie leben ihr gottwidriges Leben nicht aus Unkenntnis, sondern aus bewusster Auflehnung gegen den ihnen wohlbekannten Gotteswillen."³⁷ Their rebellion is of the worst kind--it is characterized by hypocritically swearing by Yahweh's name yet intentionally ignoring his ordinances which demand justice in the community and faithfulness in the worshipper.

³⁶'Yoke' is a figurative use for 'servitude.' (Cf. Jer. 28:2; 4; and 11. Also Lev. 26:13 and Ezek. 34:27.) 'Bonds' refer to the ordinances which are imposed by Yahweh and His appointed.

³⁷Volz, *op. cit.*, p. 35.

MISHPAT ist die Rechtsforderung der Gottheit an die Menschen, die die Gottheit, wenn sie nicht erfüllt wird, gewissermassen gerichtlich einzieht; in 2 Kön 11,26 ist die Forderung kultisch, hier sittlichen gemeint.³⁸

Yahweh's claim upon the people is justified since they have failed to fulfill their obligations to do justice and seek to be faithful. The justice and faithfulness of even one person in Jerusalem would be enough to delay His claim upon the covenant community. Justice and faithfulness are qualities that are to be seen and recognized on the surface of one's behavior as indicators of the extent of one's internal commitment to the way and ordinances of Yahweh.

Meanwhile the prophet stands in the tension between the justice of Yahweh's claim on the one hand and the wanton ignorance of justice and faithfulness on the part of the people on the other hand. These are the primary issues and concerns in this dialogue or debate. Amid the tension the prophet probably felt the agony of impending judgment wholly justified while not being able to find even one person so that pardon instead of judgment would come. This is precisely the intention of this text. It is to prove beyond any shadow of a doubt the complete legality of Yahweh's judgment against His people. Jeremiah has been given every chance to disprove Yahweh's case against His people. All he needs to do is to find but one person who is righteous in order for Yahweh to withdraw His claim for judgment. Despite all his searching, the prophet is unable to disprove the legality of Yahweh's judgment.

³⁸*Ibid.*, p. 62.

It is further to be noted that it is no longer a question of simply failing to fulfill the law of the covenant community. It is now a question of the wanton perversion of God's *mishpat*, His ordering of the historical order and relationships among men. There is not one to be found who recognizes and acts upon the needs of the members of the human community. Jeremiah's sense of the need for justice and faithfulness in relationships and in worship in light of Yahweh's ordinances, therefore, becomes the more urgent.

JEREMIAH 5:26-29

Translation

(26) "Yes, there are wicked men among my people

who spread their nets;

like fowlers they set snares,

but it is men they catch.

(27) Like a cage of birds

so are their houses full of loot;

they have grown rich and powerful because of it,

fat and sleek.

(28) *Moreover, they overflow with evil deeds;

they do not minister judgment.

They do not plead the cause of the helpless,

those exposed to injury,

to make it prosper;

they do not judge those subject to oppression and abuse with
justice.*

(29) And must I not punish them for such things

--it is Yahweh who speaks--

or from such a nation

exact my vengeance?"

Structural Analysis of speech of Yahweh to Jeremiah

I. Motivation for judgment

vv. 26-28

A. Statement about the wicked ones	vv. 26-27
1) Metaphorical description	v. 26
2) Accusation against the people	v. 27
B. Development of the accusation	v. 28
II. Announcement of the judgment	v. 29
A. Question about validity of punishment	v. 29a
B. Question about justification of vengeance	v. 29b

Textual Analysis

Georg Fohrer³⁹ lists vv. 26-29 as utterances apart from minor additions and glosses incorporated into the book of Jeremiah by other authors. A. S. Peake⁴⁰ agrees acknowledging an unusual amount of textual difficulties in vv. 26 and 28 which he suggests are due probably to a corrupt text. P. Volz⁴¹ also agrees pointing out that v. 30 probably begins a new passage or speech.⁴² LXX presents a shorter text for v. 26 which avoids the worst difficulties: "For ungodly men were found among my people, and they set snares to destroy

³⁹Fohrer, *op. cit.*, p. 399.

⁴⁰A. S. Peake, *Jeremiah* (Edinburgh: Clark, 1910-1912), I, 135.

⁴¹Volz, *op. cit.*, p. 30.

⁴²For additional detailed discussion of other more minor textual problems, see Volz, *op. cit.*, p. 67.

men and caught them."⁴³

Literary Analysis

The verses are reported as coming from Yahweh himself to his people. They metaphorically describe the way in which he observes the people are deceiving and deluding themselves and at the same time divorcing themselves from himself.

The movement seems to be disrupted in v. 30 with a new speech or at least new groups, especially the prophets and the priests. The metaphor of vv. 26-27 is paralleled in v. 28 with Yahweh's specific charges. The final verse poses a rhetorical question. Fohrer⁴⁴ in attributing these verses to a later author suggests they are perhaps a continuation of vv. 12-17.

It seems likely, therefore, that these four verses are later additions as they are a complete unit of themselves. They may also be connected with vv. 12-17 but seem to end with v. 29 as a new subject is introduced in vv. 30-31.

Form Criticism

Genre. As indicated in the structural analysis the unit appears to be a Yahweh-speech, a judgment against his people. Particularly in v. 29 there occurs the formula NeUM YHWH ("It is Yahweh who

⁴³Translation by Peake, *op. cit.*, II, 135.

⁴⁴Fohrer, *op. cit.*, p. 399.

speaks.") The unit is also termed a "diatribe"⁴⁵ and a "threat"⁴⁶ and "an originally separate poem."⁴⁷

Setting in life. Within this unit there is nothing specifically indicating a particular context in which this Yahweh speech might have been delivered. Some of the language parallels that used in the Psalms, e.g. v. 27 with Psalm 10:8 and v. 28 with Psalm 73:7. It is possible, therefore, the setting was intended to be a public one in which such poetic imagery would be effective in establishing a point. Further, the abuses listed in this unit are similar to some of those listed in the "Temple Sermon" (7:1-15) of Jeremiah's. John Bright⁴⁸ observes that the "Temple Sermon" was delivered "just after Jehoiakim took the throne; these verses may, therefore, have been composed at about the same time, or even during the latter part of Josiah's reign."

Traditio-historical remarks. The actions of the people characterize the kind of people they are. In this case the wickedness for which they are known is identified in specific acts, i.e. "evil deeds." They include the failure to minister judgment, to plead the cause of the helpless, and to judge with justice those who are oppressed and

⁴⁵Eissfeldt, *op. cit.*, p. 359.

⁴⁶Fohrer, *op. cit.*, p. 399.

⁴⁷Bright, *op. cit.*, p. 42.

⁴⁸*Ibid.*

abused. To state it more positively justice consists of doing exactly these things. It requires attention to the poor, the oppressed, and those who have been dealt with unfairly. The neglect of some men to do so has resulted in their wickedness and evil deeds.

The responsibility for ministering judgments lay with the elders of a town or city as well as with the king and the priests.

"The role of the judge, however, was not so much to impose a sentence as to settle a dispute while respecting justice. He was more a defender of right than a punisher of crime. He was a just arbitrator (Jb. 9:33)."⁴⁹ Court was held at the main gates to the city as in Gen. 23:10; Jb. 29:7; Am. 5:10; Za. 8:16; Dt. 21:19 ("Elders at the gate of the town"), and Dt. 19:12 ("Elders of the town").

There are numerous occurrences of the reference to the helpless, i.e. those exposed to injury as the fatherless, and also to those subject to oppression and abuse. For widows, orphans, the poor and the sick see Ex. 22:23; Ps. 109:9; Jb. 24:9; Zc. 7:10; and Mal. 3:5. Similar usages, especially those in want, the needy and the poor: Dt. 15:7 & 11; Am. 2:6; 5:12; Ez. 16:49; Jb. 24:4.

Whenever a conflict of rights results, a situation requiring judgment arises. In this case, v. 28 announces that the rights of the widow, the orphan and the poor are not only abused, worse yet they are ignored and forgotten. While there is a conflict of rights there is no one to plead the case of the abused that a judgment might be rendered and justice administered.

⁴⁹ Vaux, *op. cit.*, I, 157.

Exegetical Conclusions

The prophet here reports a speech by Yahweh in which the social fabric of the community is attacked. Among Yahweh's people are those who live by deceit and by taking unfair advantage of other groups within the community. The prophet publically attacks such practices in which specific actions are responsible for weakening the covenant relationship between Yahweh and his people. It is apparent that some kind of imbalance exists between some of the people described as wicked and those who are subject to injury or the abuse of others. While some men deceive others and thereby become more wealthy, at the same time many who seriously lack material necessities (e.g. the poor and the widow) are experiencing an expanding loss of both rights and prosperity. In other words, the wicked are those who are concerned more with their growing, material abundance than with the depleting resources and rights to social welfare of the needy. In so doing the wicked make mockery of any social responsibilities within the community. As there were no public defenders or prosecutors each man pleaded his own case. It is therefore important to note the role of the family to include "the servants, the resident aliens . . . and the stateless persons, widows and orphans, who lived under the protection of the head of family."⁵⁰ It follows, then, that any citizen and especially those heads of households who were responsible for the helpless widow and orphan had a particular responsibility to plead the cause of the

⁵⁰*Ibid.*, I, 120.

helpless before the elders, the priests, or even before the king himself.

In view of this worsening situation the relationship of the people to Yahweh is endangered. Weiser, again stressing the important role of the covenant in Old Testament prophecy, offers the essential perspective in which Yahweh's judgment will occur. Insofar as the wicked men have deceived those within the community and have ignored justice, then Yahweh's claim against them is just as is his vengeance according to the standards, agreements, and responsibilities of the covenant. "Um seiner selbst will muss Gott strafen und dadurch die Ordnung seines Bundes wieder zur Geltung bringen, die auf solch schändliche Weise missachtet wird."⁵¹

Not only is the relationship of the people to Yahweh endangered, the relationships amongst the people of God were likewise endangered. With the growing distance resulting from material gains for some and loss of rights of others, relationships become strained and demoralizing for those whose property and rights are lost. Again, the intention is to note that fulfilling the law is not the only *basic* issue. Rather it has to do all the more with the perversion of God's *mishpat*, His principle of order among His people. The prophet makes it quite clear Yahweh's deep concern is for the social welfare of all His people. When an imbalance or disorder is caused by mens' greed for more wealth, then it is the judgment, i.e. the *justice* of Yahweh which

⁵¹Artur Weiser, *Das Buch des Propheten Jeremia* (Göttingen: Vandenhoeck & Ruprecht, 1959), I, 55.

must be brought to bear. The prophet stands among the people and in the midst of the situation to announce the judgment of Yahweh.

Jeremia stellt hier die materialistische und die ideale Lens-richtung einander gegenüber: das wäre ein Lensziel für einen vornehmen und reich Bürger im Volke Jahwes, Vater der Armen und Waisen zu sein!⁵²

⁵²Volz, *op. cit.*, pp. 67-68.

JEREMIAH 7:1-15

Translation

7:1 The word that was addressed to Jeremiah by Yahweh,
(2) "Go and stand at the gate of the Temple of Yahweh and there proclaim this message. Say, 'Listen to the word of Yahweh, all you men of Judah who come in by these gates to worship Yahweh.
(3) Yahweh Sabaoth, the God of Israel, says this: Amend your behaviour and your actions and I will stay with you here in this place. (4) Put no trust in delusive words like these: This is the sanctuary of Yahweh, the sanctuary of Yahweh, the sanctuary of Yahweh!
(5) But if you do amend your behaviour and your actions, if you treat each other fairly, (6) if you do not exploit the stranger, the orphan and the widow (if you do not shed innocent blood in this place), and if you do not follow alien gods, to your own ruin, (7) then here in this place I will stay with you, in the land that long ago I gave to your fathers for ever. (8) Yet here you are, trusting in delusive words, to no purpose! Steal, would you, murder, commit adultery, perjure yourselves, burn incense to Baal, follow alien gods that you do not know?--(10) And then come presenting yourselves in this Temple that bears my name, saying: Now we are safe--safe to go on committing all these abominations!
(11) Do you take this Temple that bears my name for a robbers' den? I, at any rate, am not blind--it is Yahweh who speaks.
(12) Now go to my place in Shiloh where at first I gave my name

a home; see what I have done to it because of the wickedness of my people Israel! (13) And now, since you have committed all these sins--it is Yahweh who speaks--and have refused to listen when I spoke so urgently, so persistently, or to answer when I called you, (14) I will treat this Temple that bears my name, and in which you put your trust, and the place I have given to you and your ancestors, just as I treated Shiloh. (15) I will drive you out of my sight, as I drove all your kinsmen, the entire race of Ephraim."

Structural Analysis of the report of a Yahweh speech

I. Introductory statement	v. 1
II. Speech	vv. 2-15
A. Commissioning formula	v. 2a
B. Commissioning speech	vv. 2b-15
1) Introductory formula	vv. 2b-3a
a) Call to attention	v. 2b
b) Messenger formula	v. 3a
2) Speech of Yahweh	vv. 3b-15
a) Reciting of Torah	vv. 3-7
b) Accusation	vv. 8-11
c) Announcement of judgment	vv. 12-15

Textual Analysis

Beginning with the *LXX*, verses 1-2a are omitted. Elsewhere, vv. 3 and 7 MT: "I will let you dwell" with reference to the land

appears to be out of context since the focal point of this passage is the Temple. Therefore, I would choose to read it, "I will stay with you." (So also Rudolph, Volz, and Bright.) In deuteronomic usage it is the Temple where Yahweh causes his name to dwell (e.g. I Kings 8:29ff.; 35; Deuteronomy 12:12; 14:23).

Literary Analysis

Jeremiah 26 provides a narrative of events leading up to the prophet's speech delivered in the early days of the reign of Jehoiakim (608). Because of the dating made possible by chapter 26, it is further possible to conclude the speech was probably included in the original scroll which Eissfeldt dates from 626-605.⁵³

This particular unit is clearly a section of a larger series of prosaic sayings (7:1-8:3). The first section addresses itself to the subject of worship in the Temple (7:1-15). The remaining three sections (foreign gods 7:16-20; obedience vs. sacrifice 7:21-28; and a section about exile 7:29-8:3) do not appear to be a single continuous discourse. While they do share the common concern for religious observances or worship, each section addresses itself to a particular aspect which accounts for the rather abrupt transitions between the discourses.

The section appears as a unity in the form of a Yahweh-speech delivered by the prophet (cf. 7:1-2, 16-19, 27-28). It is likely,

⁵³Eissfeldt, *op. cit.*, p. 351.

however, that v. 15 is a later addition, the original sermon ending with v. 14. Jer. 26:2-6 gives us the same sermon in its shortened form and indicates (v. 7ff.) that as soon as the prophet had finished he was set upon by the crowds and nearly put to the death.

Volz and Mowinckel disagree over the status of the structure of the Temple Sermon. Volz argues the kernel of the speech is originally and authentically Jeremiah's and only later receives its prosaic form. Mowinckel, later supported by Rudolph, attributes the speech to a later deuteronomistic writer. (All agree v. 15 is a later addition.) If the sermon as recorded in 7:1-15 is part of the original scroll as set down by Baruch (626-605 B.C.), and was presumably delivered in the early days of Jehoiakim (608), we may at least consider the kernel and thrust of the sermon (vv. 4-7) to be authentic.

Form Criticism

Genre. Volz is probably correct in isolating three five-lined strophes indicating the unit was originally not prosaic but rhythmic (vv. 4-7; 9-11; 12-14).⁵⁴ Thus, when Rad calls it prose he not only agrees with Rudolph⁵⁵ but he also makes a very important observation. "A relatively large strand of the Jeremiah tradition bears the marks of the influence of Deuteronomy and the Deuteronomists, i.e., it is dependent on the Deuteronomic terminology and is in prose. For

⁵⁴Volz, *op. cit.*, p. 88.

⁵⁵Rudolph, *op. cit.*, p. xvi.

prophetic diction, the latter suggests in principle secondary redaction."⁵⁶ Both von Rad and Rudolph consider 7:1-8:3; 11:1-14, etc., to be examples of such secondary redaction. In this light the position which Volz takes on indicating the *original* form remains a valid one. Such evidence along with the structure analysis indicate a definite form united with a definite context. That literary form is the report of a Yahweh-speech to be communicated to the people through the prophet. The proclamation formula (v. 1) will be developed and discussed later in the summary conclusions. It is, however, an indication of the link between Yahweh (sender) and the people (receivers); i.e. the prophet as transmitter of the message formalizes the speech of Jeremiah to the people to compliment the Temple where Yahweh and Israel came together.

Setting in life. The definite context supports the literary form. Such an address is of Yahweh's word to his people concerning religious observances properly takes place at the Temple. It is a speech by Yahweh and not Jeremiah since that is its major defense. It is written from the standpoint of relating a speech that Jeremiah had received *from Yahweh*. As it is Yahweh's word which the prophet delivers, the address is not impromptu. It is designed to conform to the formality of the Temple as well as to the seriousness of the message.

⁵⁶Gerhard von Rad, *Old Testament Theology* (New York: Harper & Row, 1965), II, 193, n.8.

Traditio-historical remarks. Crucial to any discussion of this passage is an understanding of the tradition surrounding the Temple. Simply stated the Temple represented the "holy place" in which public worship was conducted, specifically,

The installation of the Ark in Jerusalem meant that the religious traditions of the Twelve Tribes were centered there, and Jerusalem became the focal point of that history of salvation which stretched from the Exodus from Egypt to the conquest of the Holy Land: the continuity of Yahwism was assured.⁵⁷

The Temple in Jerusalem, then, became the house or seat of Yahweh's presence. As the cloud had designated Yahweh's presence in the Tent of Reunion (Ex. 33:9; 40:34-35), so also the cloud filled the Temple when the Ark of the Covenant was placed there (I Kings 8:10). Yahweh had taken possession of his house and had declared: "My Name shall be there." (I Kings 8:29)

The prophets acknowledged the Temple of Yahweh and his presence therein. "This presence of God amid his people, however, was a grace, and would be withdrawn if the people were unfaithful."⁵⁸ Yet, we must carefully note that by his "presence" they were coming to understand it as the presence of the *Name* of Yahweh (I Kings 8:17, 29) probably following the example in Deuteronomy 12:5, 11, etc. for in the Semitic mind the name expressed and represented the person.

Such a presence was reinforced in 701 B.C. when the Temple survived destruction. The priests and people continued the chant,

⁵⁷Vaux, *op. cit.*, II, 309.

⁵⁸*Ibid.*, II, 326.

"This is the Temple of Yahweh, the Temple of Yahweh, the Temple of Yahweh!" and considered themselves safe from worldly destruction. Indeed it was the Temple which focused in on and represented their history of salvation; it also seemed to be understood as assuring their future as Yahweh's permanent house and their stable position within His divine election.

Exegetical Conclusions

It is at this juncture that Jeremiah thrusts the speech which Yahweh Himself has commanded him to deliver at the very steps and entrance to the Temple at Jerusalem. He aims directly at the threefold formula which is invoked to assure the people of Yahweh's presence and their election. For the prophet they are deceptive words:

Sie setzen voraus, dass Jahwe unter all Umständen sein Heiligtum nicht im Stich lassen werde. Dem setzt der Prophet entgegen (3), dass Jahwe nur dann in ihrer Mitte wohnen werde, wenn sie ihm durch ihren Wandel das Bleiben ermöglichen, und gibt in 5f. an, an welche Bedingungen Jahwes Bleiben geknüpft ist: es sind die alten prophetischen Forderungen der Rechtlichkeit im Verkehr, der amständigen Behandlung der wirtschaftlich Schwachen an der Treue zu Jahwe.⁵⁹

The prophet offers a very important distinction between the people's religious observances and their faithfulness. The former in no way assures or secures the faith of the believer in Yahweh. Rather, the social injustices committed against the sojourner, fatherless, and widow require their attention. Judgment is to be executed thoroughly

⁵⁹Rudolph, *op. cit.*, p. 49.

among men and not to be taken for granted. Honest amending of their conduct is essential. The prophet warns the mere presence of temple will not protect them. The people mistakenly take the presence of the Temple as assuring absolution of their sins. Such belief in the Temple in no way replaces or substitutes the command for justice among all men. Says the prophet:

Der einzige Schutz, die alleinige Bürgschaft der nationalen und persönlichen Wohlfahrt ist sittliches Leben; ihr müsset den Tempel schützen, er kann euch nicht schützen.⁶⁰

The moral, ethical conduct required can be summarized as (1) Honest or righteous judgment of all men; (2) Provide for social welfare of all; (3) Full faith and trust in Yahweh and turning from reliance on false gods and from mere dependence upon worship.

Here the intention and interpretation of this text stem from the quoting of the Torah. That intention is not so much to admonish the people as it is to show their failure to live up to the Law. Such failure has permitted the order it was supposed to protect to become all the more endangered. Because they have failed to protect Yahweh's order in their lives but have instead put their faith in empty phrases, judgment must occur. For society not only relies upon its legal traditions for its basis. It is more than that. Society has its basis, its rootage in *God's ordering activity*.

⁶⁰Volz, *op. cit.*, p. 90.

JEREMIAH 9:22-23

Translation

9:22 Thus says Yahweh,
 Let the sage boast no more of his wisdom,
 nor the valiant of his valor,
 nor the *powerful man of his power!*

(23) But if anyone wants to boast, let him boast of this:
 of understanding and knowing me.
 For I am Yahweh, I rule with kindness,
 justice and integrity on earth;
 yes, these are what please me
 --it is Yahweh who speaks/

Structural Analysis of a speech of Yahweh

- | | |
|------------------------------------|--------------|
| I. Introductory formula | v. 22a/α |
| II. Speech | vv. 22a/β-23 |
| A. Veto of boasting | v. 22aβ+b |
| 1) Concerning the wise | |
| 2) Concerning the mighty | |
| 3) Concerning the powerful | |
| B. Exhortation concerning boasting | v. 23 |
| 1) Introductory formula | |
| 2) Content | v. 23b |

Textual Analysis

This particular two-verse unit is omitted in *LXX*. Both A. S. Peake and John Bright agree that this unit interrupts the connection between 9:21 and 10:17.

Literary Analysis

Rudolph notes that the meter is poetic: 3+3, 3+3. 3+4, 3+2 (4).⁶¹ The unit, therefore, seems to be an independent unit. Further, it seems evident there is some continuity between 9:1-21 and 10:17-25. The subject matter moves from Jeremiah's despairing over the people (9:1-15). In this light 10:17-25 lends continuity as it discusses the lament and possible intercession in the face of exile. Clearly 9:22-23 interrupts the flow of the passage with its poetry concerning the qualities in man which are truly desired by Yahweh. Eissfeldt notes, "It is quite impossible to undertake to fix the date of origin of these and similar sayings. We can only recognize quite simply that there are no well-founded objections to their genuineness."⁶²

Form Criticism

Genre. Most scholars only vaguely label this unit without elaboration. Eissfeldt calls it a "saying"; Fohrer, "wisdom"; and Rudolph agreeing it is in the genre of "wisdom." According to the

⁶¹Rudolph, *op. cit.*, p. 63.

⁶²Eissfeldt, *op. cit.*, p. 359.

structural analysis and the meter of the unit it seems clear that it is to be considered a poetic Yahweh-speech to his people.

Setting in life. It is quite difficult to establish precisely the context of the unit. It is probably a miscellaneous saying of the prophet which is later recalled by a later redactor. The indication here is that the unit has a general setting with a wide application.

Traditio-historical remarks. The phrase, "knowledge of Yahweh," is considered through some prophetic literature to be the basis of genuine or true religion. (Cf. Hosea 2:22ff; also a recurring theme in Jeremiah's preaching: 2:8; 22:15-16; 24:7; and 31:34.)

Exegetical Conclusions

The prophet's saying both acknowledges and affirms the sovereignty of Yahweh and His order over all the earth. Thus, there is only one appropriate boast to be made by man: the boast that Yahweh is the ruler of this earth for we have known His kindness, integrity, and justice. It is not the wisdom, strength, or riches of man that please Yahweh. Rather, it is our concrete actions in harmony with kindness, integrity and justice that please Him. Wilhelm Rudolph affirms the same:

Die Erkenntnis Jahwes, der in Gnade und in Gericht die Welt regiert, dessen Walten also allem menschlichen Tun und Haben die Grenze setzt. Das Wissen um diesen Gott bestimmt auch das Verhalten des Menschen: Gottserkenntnis ist bei Jeremis nie bloss theoretisch. Wer diese Gottserkenntnis besitzt, gehört zu den 'Menschen des Wohlgefallens' (Lc 2:14).⁶³

⁶³Rudolph, *op. cit.*, p. 63.

That is to say, those who know and understand Yahweh and do kindness and justice in harmony with His ruling order of the earth are those who receive both his favour and benevolences. In short, "Die Gottserkenntnis hat einen doppelten Inhalt; man erkennt, dass Jahwe allein Gott ist, und man erkennt sein Wesen und Wirken."⁶⁴

Finally, it is to be said that in this knowledge of God, man's proper stance is one of obedience. In attacking the elaborate rituals, sacrifices and piety of the people and the prophet claims, "the basic requirements which God makes upon men are in the realm of morality, not in the realm of ceremonialism. . . . The important demands of God are for moral obedience."⁶⁵ (Cf. Amos 5:24; Isa. 1:16-17; and Micah 6:8.)

⁶⁴Volz, *op. cit.*, p. 119.

⁶⁵K. Owen White, *The Book of Jeremiah* (Grand Rapids: Baker, 1961), pp. 28-29.

JEREMIAH 12:1-5

Translation

12:1 You have right on your side, Yahweh,
when I complain about you.

But I would like to debate a point of justice with you.

Why is it that the wicked live so prosperously?

Why do scoundrels enjoy peace?

(2) You plant them, they take root,
and flourish, and even bear fruit.

You are always on their lips,
yet so far from their hearts.

(3) You know me, Yahweh, you see me,
you probe my heart, it is in your hands.

Drag them off like sheep for the slaughter-house,
reserve them for the day of butchery.

(4) (How long will the land be in mourning,
and the grass wither all over the countryside? The
animals and birds are dying as a result of
the wickedness of the inhabitants,)

*For they say,

"Yahweh does not see our behaviour."*

(5) If you find it exhausting to race
against men on foot, how will you
compete against horses?

If you are not secure in a peaceful country,
 how will you manage in the thickets
 along the Jordan?

Structural Analysis of a Jeremianic Confession

- | | |
|--|----------|
| I. Jeremiah's question about the wicked | vv. 1-4 |
| A. Presentation of the prophet's case | vv. 1-3 |
| 1) Yahweh addressed | vv. 1a+b |
| 2) Preliminary questions | vv. 1c+d |
| 3) Metaphorical description | v. 2a |
| 4) Accusation | v. 2b |
| 5) Closing plea | v. 3a |
| 6) Prophet calls for revenge by Yahweh | v. 3b |
| B. Personal lament | v. 4 |
| II. Yahweh's replies in questions to prophet | v. 5 |

Textual Analysis

Both Volz and Rudolph agree that 12:3, 6 belong with 11:18-23 as they not only provide continuity but also add explanation to that unit! They argue that the two verses fit the more personal nature of 11:18ff. better than the more general nature of 12:1-2, 4, 5. I would agree, but only in part. Verse 6 does indeed seem to fit the more personal nature of the preceding unit. Verse 3, however, quite clearly fits with 12:1-2, 4, 5 as the concluding statement the prophet would make in presenting his case to Yahweh as part of his summary statement

in which the accusation is developed and the plea for a just verdict made. John Bright argues for the "simplest solution" and moves all of 12:1-6 before 11:18-23 without any mixing of verses. There is no reason besides Bright's that the unit now reads in logical sequence. To the contrary, the more difficult reading is to be preferred.⁶⁶

Verse 4a is probably a gloss alien to the context, while perhaps referring to a period of drought which occurs in other Jeremianic passages. As it stands, it might best be considered the prophet's personal lament about the situation in general. *LXX* reads v. 4b: "Also, He/Yahweh/ does not see our ways."

Literary Analysis

While the unit is general in nature ("the wicked") and not specific, yet it is intensely personal in its form of address. It is conceded by scholars to be of a separate group of writings in Jeremiah without any titles at all. They are commonly termed "Confessions." This particular passage is an appropriate example of such a category as it reflects the prophet's posture of lifting a genuinely personal and puzzling concern. This stance is important. The prophet, as in a court of law, states the case as clearly and forcefully as he is able. He in no way presumes a particular verdict or judgment. He recognizes the seat of right or justice to be with Yahweh (v. 1a). Yet his claim is legitimate. The question is valid and must be raised

⁶⁶For further elaboration and explanation see Rudolph, *op. cit.*, pp. 75-76 and 78-80.

from the personal point of view.

The position of verses 3 and 6 with a preceding "confession" (Jer. 11:18-23) has already been discussed in the text-critical remarks. The line of thought flows rather smoothly in simple dialogue fashion through verses 1, 2, 4 and 5. In verse 4a, as indicated earlier, the train of thought seems to be interrupted by an obvious gloss that nevertheless may still be genuinely Jeremianic as there are numerous other passages referring to a period of drought (cf. 5:20-25; 8:18-23; 14).

Fohrer considers this unit as independent of the original scroll. Rather, along with other units (11:18-23; 17:14-18; 18:18-23) it can be termed "dialogues or disputes with God, but their most immediate parallels are individual laments like those contained in the Psalter (Baumgartner). In them is revealed a crisis brought about by the prophet's abandoning himself to God. For this surrender means that he must remain in a state of uncertainty and tension vis-a-vis himself and those about him; in this state of tension he is caught between surrender to God and surrender to the world."⁶⁷

Volz observes in v. 5 that "die zwei Bilder drücken das *a minori ad majus* aus."⁶⁸ The comparison of racing men on foot to racing horses, and of living in a settled country to a wild area filled with dangers gives the prophet a perspective of both the question he raises

⁶⁷Fohrer, *op. cit.*, p. 395.

⁶⁸Volz, *op. cit.*, p. 142.

and the role he is to play. What is important here is the literary device. Development will come later in the actual exegesis.

Form Criticism

Genre. Both the structural analysis and literary critical remarks suggest the form of this unit is that of a debate. While Yahweh reportedly responds to the case made by the prophet, there is no accompanying formula, "It is Yahweh who speaks." Subsequently, the thrust of this passage is not to be considered a Yahweh speech as such or even a report of one. The genre is a discussion (debate) about the problem of evil ("the wicked") and justice. The unit is not so formal to be considered a presentation of a kind of legal case because of its very personal nature.

Setting in life. As this section of "Confessions" has been given no title coupled with the observation that there is no internal evidence of the context or situation of this passage, it must be said to have a general setting. While raised as a very personal and perplexing problem, it involves a general debate of the problem of evil and justice and therefore is quite appropriately to be left a general setting with its implications of a personal point of view for a general application.

Traditio-historical remarks. It must be noted that Jeremiah's raising the perplexing problem of the prospering wicked is probably

the first time it is posed in the Old Testament.⁶⁹

The problem reveals an interest similar to that of the Wisdom literature, viz., that of the individual and his destiny. Another similarity is to be underscored. Just as wisdom comes from God who alone is wise, the prophet in this context acknowledges that any justice must come from God who alone is just. It is not my intention to explore either the extent of these similarities or possible implications therefrom. I only acknowledge the similarities as they may indicate the position of the prophet within the Judaic stream of traditions. That is to say, this passage reflects a particular motif of an earlier tradition.

Exegetical Conclusions

The prophet stands very much alone at this juncture acknowledging the sovereignty of God. His opening statement of v. 1 suggests the posture of humility in which he stands before God. Carefully with well-chosen and tempered words the prophet raises a most perplexing question. While the case he presents is forthright the prophet reveals no anger in his word; for the case even ends in humility (v. 3a) as he reiterates that the answer lies with Yahweh only. The prophet is in fact displaying the tension between the destiny of the entire people of Israel on the one hand and on the other hand the very personal question of justice when the wicked prosper as well as the good. The

⁶⁹ See Rudolph, *op. cit.*, p. 79.

destiny of the people of Yahweh depends upon Yahweh himself. He is the ordering source of all creation and particularly in this case the source of all justice. It is in *his* judgment that reward is granted and punishment meted out.

But the prophet raises a problem very close to his heart as he troubles over the value of his work. If the prophet as an individual has been called by Yahweh to pronounce His word that the people of Yahweh may turn again to Him, then surely Yahweh in all his justice would cooperate by punishing those who ignore His word and continue to do evil. Such, however, is not the case. Despite the prophet's efforts the wicked continue to prosper and the scoundrels are not punished. Is it because Jeremiah himself has failed in his mission to bring about obedience and justice among His people? Or is it possible that Yahweh's righteousness or justice is open to serious question? There is perhaps a third question to be raised. Jeremiah is raising the question of his own mission and his own destiny in light of the prospering of the wicked. Thus, he is at least suggesting the question, "Yahweh, are you the creator and judge of *all* men at all times, or only of those whom you have selected?" Or, to ask it differently, "Is Yahweh the god of the community or only of individuals?" These questions, like Jeremiah's must be left open. Rudolph, however, summarizes the situation well. He recalls the collective principle of the non-guilty suffering as well as the guilty; then he notes:

Sobald aber die Religion eine persönliche Sache wird, die auch abgesehen von den sozialen Bezogenheiten ihren Wert hat, muss das Schicksal des einzelnen, das scheinbar mit seiner

Lebensführung nicht harmoniert, zum Problem werden, weil es an Gottes Gerechtigkeit zweifeln lässt, die sich doch eben darin erweisen sollte, dass er den Bösen straft und den Guten belohnt.⁷⁰

Such a question underscores the tension that exists between man and God in confronting the problem of justice. The tension of justice is similarly experienced between men striving to do God's will and those who do not take His will to heart, as it were, yet prosperity is possible in both cases. It follows, then, that prosperity does not necessarily follow only righteousness or faithful behavior.

It is not guaranteed only to the righteous individual. God's justice, including both His judgment and His promise, is meted out to all the people of Israel. While the prophet acknowledges Yahweh has right on His side, yet he raises his questions, honest ones to be sure, in the individual and human context of behaviour. "The central interest of the 'Confessions' is the struggle in Jeremiah's mind between fidelity to his prophetic commission and the natural feelings and impulses of his heart."⁷¹ Jeremiah can only think in terms of horizontal lines of relationship, i.e. between men. Yet, even the wicked as part of the community of man are given life and are sustained by Yahweh. So far as justice is concerned there is a third aspect or dynamic to be considered, i.e. the vertical relationship between men and God. This is the goal to be attained and maintained. Writes Volz:

⁷⁰*Ibid.*

⁷¹J. Skinner, *Prophecy and Religion* (Cambridge: University Press, 1930), p. 210 as quoted in H. Wheeler Robinson, *The Cross in the Old Testament* (Philadelphia: Westminster Press, 1955), p. 162.

"Auch die Gottlosen haben ihr Leben von Jahwe; ihr Gedeihen dagegen ist trotz des Zweifels v. 1 in seiner Weise nicht mit Jahwe in Verbindung gebracht."⁷²

The literary device *a minori ad majus* helps to clarify the significance of the relationship of men to God. One is likely to become exhausted if he concentrates missionary efforts only upon the external manifestations or *behaviour* of individual men, or if he is only concerned about wicked behaviour receiving what he considers to be their due punishment. There is a greater task at hand that surpasses such concerns. Insisting upon conformity inhibits the greater purposes of God. By insisting on "normative" external behaviour, one inhibits the working of God in His own way and in His own time. Justice requires not only the tensions between men but also and perhaps more importantly a relationship with God in which man allows His will to be done in this time. For it is clear from Yahweh's response that He will set the reality in which justice is to be achieved. That reality will not be only among a few men or a peaceful land. Rather, justice will be forged and hammered upon the anvils of human community, that is, in the greater trials and amid both the wildflowers and rocky ledges of the wilds of Jordan.

Jahweh demolishes the prophet's question with a counter question. The answer shows amazement that Jeremiah is threatening to founder on such difficulties, for they are as nothing compared with what he ought to be able to bear. It is pointed out that he is still only at the threshold of his trials, and that as Jahweh's prophet, he ought not already to be complaining about such problems.⁷³

⁷²Volz, *op. cit.*, p. 142.

⁷³*Ibid.*, p. 221.

JEREMIAH 22:1-5

Translation

(22:1) Yahweh said this, "Go down to the palace of the king of Judah and there deliver this message, (2) 'Listen to the word of Yahweh, king of Judah sitting on the throne of David, you, your servants too, and your people who go through these gates. (3) Yahweh says this: Practice honesty and integrity; rescue the man who has been wronged from the hands of his oppressor; do not exploit the stranger, the orphan, the widow; do no violence; shed no innocent blood in this place. (4) For if you are scrupulous in obeying this command, then kings occupying the throne of David will continue to make their entry through the gates of this palace mounted on chariots and horses, they, their servants and their people. (5) But if you do not listen to these words, then I swear by my self--it is Yahweh who speaks--this palace shall become a ruin!'"

Structural Analysis of a speech of Yahweh to Jeremiah

- | | |
|-------------------------|-------------|
| I. Introductory formula | v. 1a |
| II. Speech | vv. 1b-5 |
| A. Commission | vv. 1b-2a/α |
| B. Commissioned speech | vv. 2a/-5 |
| 1) Introductory formula | vv. 2a/-3a/ |
| a) Call to attention | |
| b) Messenger formula | |
| 2) Speech | vv. 3a/-5 |

Textual Analysis

The text seems to be relatively intact with no major variants occurring. There is perhaps a gloss that occurs in v. 4: "*He* (not '*they*') and *his* minister and *his* people."⁷⁴ The annotator, according to Volz, was thinking of the Messiah. The speech, however, clearly refers to a particular king within the Davidic dynasty. Rudolph also adds that this text bears marks of influence by Deuteronomists, i.e. the terminology and the fact that it appears in prose suggest there is evidence of secondary redaction.

Literary Analysis

This unit appears to be part of a larger grouping of several such units, e.g. Jer. 21:11-23:8. Each unit within this group contains a threat against one of Judah's kings. After looking back to Josiah's death (22:10) succeeding kings are listed chronologically: Jehoahaz-Shallum, Jehoiakim, Jehoiakin, and Zedekiah. With specific reference to our passage here (22:1-5), it appears doubtful that it is part of the chronological order. Unlike the other units, 22:1-5 is a first person account which also seems to parallel the oracle in 21:11-12. Eissfeldt and Volz suggest it is probably Jehoiakim (at the beginning of his reign, ca. 609-606) who is the object of the prophet's threat. Although this is quite possible, I am unable to find supporting evidence within the text itself for this suggestion. Eissfeldt further

⁷⁴Fohrer, *op. cit.*, p. 395.

argues that on the basis of the first person point of view the unit is to be considered as part of the original scroll. Rudolph, however, argues that both the first person point of view and the vocabulary are indications of later Deuteronomistic revisions, but allows for a Jeremianic core as a basis for their genuineness. Fohrer considers this unit as a part of an independent collection "because Jeremiah did not intend them for immediate publication, and because they are still to be found within 11-20, distributed according to principles that cannot be determined."⁷⁵

Form Criticism

Genre. There is in this particular context a particular form. The context is quite clearly the arrival in the palace of the prophet from the Temple, since he is daily to be found there (7:1). There is both force and authority to be found in both locations or contexts. Apparently the word of Yahweh comes to the prophet as he stands in the Temple. For not only is the Temple the place of divine presence where the name of Yahweh resides, it is also the sign of election, i.e. it is where God himself chose to dwell among his people. The prophet in receiving this message and the accompanying commission assures himself it is truly a word or manifestation of Yahweh whose presence is in the Temple and whose concern is for his people. The genre of the speech has two distinct parts to it. The general framework is first

⁷⁵Volz, *op. cit.*, p. 221.

of all a commission report. In the second place the recitation of the Torah is evident in both admonition and in exhortation found in Jeremiah's supposed speech.

Setting in life. It is quite significant to note the point of reference or context of the particular genre. It is delivered at the very seat of human authority among the people of Judah. The form of direct address is appropriate: "Listen to the word of Yahweh, king of Judah sitting on the throne of David, you, your servants too, and your people who go through these gates" (v. 2). Beyond the location it is not clear to *which* king the prophet addresses himself although its form of direct address keeps it specific. Both Volz and Rudolph agree it is delivered to the king's palace rather than addressed to the royal Davidic Dynasty. It is both an admonition and exhortation cast in a direct command for specific actions in a particular context. (Compare, for instance, the second person singular form of address in 22:2 and 23:5a.) Nevertheless, I am inclined to agree with Rudolph that there is very likely a Deuteronomistic redactor's hand at work here so that the passage in its present form has been forced into general application to the kings of Judah while at the same time attempting to retain the directness and forcefulness of the speech itself.

Traditio-historical remarks. The significance of the specific setting in life as established above lies in the tradition of the Davidic Dynasty. It is the monarchy, located in the palace below the

Temple in Jerusalem, that bears primary responsibility for the establishment of justice and for the general social welfare under covenant law (e.g. Exod. 22:21-24). For only in fulfilling this obligation is it possible to justify the existence and insure the endurance of the monarchy. Volz speculates,

An den grossen Festtagen, an denen das gesamte Volk in Jerusalem versammelt war, wurden öffentliche Gerichtsverhandlungen abgehalten, Streitfälle vorgetragen und geschlichtet, der hohe Rat der Richter war um den König versammelt und hatte viel Arbeit, Waisen und Witwen, Fremdlinge und Bedrängte brachten ihre Bittgesuche vor den königlichen Thron, weil an solchen Tagen grosse Audienz war. Die Propheten, die am Fest auftraten und den Gerichtsverhandlungen zuhörten, hatten immer den Anlass benützt, auf Recht und Gerechtigkeit zu dringen, vgl. 7, 6; Am 5,24; Jes 1, 17 u.o. Es war stets nötig, doppelt nötig unter der Regierung eines solchen Königes wie Jojakim.⁷⁶

The evidence of the Sitz im Leben, viz. the naming of the locations of Temple and palace, indicate both force and authority. Both are the more emphasized in such a particular setting as described by Volz, lending credibility to his speculation.

Exegetical Conclusions

At the very roots of human society in Judah, entrusted and brought to expression by the monarchy, is the notion, indeed the command for doing justice. The very existence of the monarchy, not only at present but for the hope of a continuing future, depends upon the actions of the royal court to insure justice especially for the underprivileged and the powerless. Following the example of the royal

⁷⁶Rad, *Old Testament Theology*, II, 203.

court, specifically of the king himself, the people are exhorted by this speech of Yahweh to embrace justice as the foundation (the ordering principle) of their interpersonal relationships. For their future as a people coming and going in the shadow of their king and thereby of Yahweh Himself rests upon the *doing* of justice.

Further, the absolute necessity of man's relationship with Yahweh is clearly stated in the fact that the prophet, drawing upon the authority of the Temple, delivers a Yahweh speech. Such a speech is addressed directly to the king himself and thereby also to the people. Within the covenant it is not possible for either the king or the people to escape the necessity of relationship. For the intention of this passage is to make clear that their relationships with the orphan, the widow, the oppressed or needy, and the stranger directly affect their relationship with Yahweh. If His commandments of justice are obeyed their life as an elected, covenantal people will continue. If they ignore His commands with impunity, their destiny, their future relationship with Yahweh (symbolically held in the office of the king and the palace itself, cf. Lev. 26:31) is in grave danger of certain disaster (disorder). The height of Yahweh's assurance to carry out His word if such is necessary, comes in the phrase, "I swear by myself!" There is no higher appeal for authority. As a clincher the recurring middle- or ending formula closes the speech: "It is Yahweh who speaks!"

CHAPTER II

SUMMARY EXCURSUS OF EXEGETICAL RESULTS

From the preceeding chapter it is possible to identify three major exegetical conclusions. First of all, *mishpat* (justice) occurs in the context of interpersonal relationships. It does not occur as an external ideal to the human order of society. Secondly, one's interpersonal relationships reveal and affect his relationship with God. The third major conclusion that can be drawn from the preceeding passages has to do with a hermeneutical principle of the ordering activity of God. That is to say, when justice (*mishpat*) and righteousness (*zedekah*) become totally perverted, then it is no longer a mere question of due punishment or of a return to stricter law. It is rather a question of the breakdown and destruction of the social order, especially God's intended internal order.

In summing up the conclusions of the word analysis it is first to be noted that the word *mishpat* occurs 36 times in Jeremiah. The most frequent nominal forms are threefold: Judgment (11x; also "penalty," 2x and "sentence," 3x) "Justice" (15x), and ordinances (5x). Obviously the most frequent verbal form is derived from the root, *shaphat*, "to judge or announce judgment" (3x). There is a variety of nominal forms accompanying *mishpat*. Included in this list are: (1) Evil deeds (עֲוֹנוֹתַי [3x]); (2) The helpless, i.e. those exposed to injury as, for example, the orphan or fatherless (יְתוֹמָה [3x]); the sojourner (גֵּר [2x]); the widow (אַלְמָנָה [2x]); or one who is robbed

requires saving (וְהַצִּילָהּ [2x]); (3) Righteousness, i.e. having to do with rights (צִדְקָה [10x]). There are also several verbal forms accompanying the term *mishpat*. Four of these verbal forms are: (1) Doing justice (עָשָׂה מִשְׁפָּט [7x]); (2) To minister/execute/do/plead the cause of justice (דִּין מִשְׁפָּט [4x]); (3) To oppress/wrong/extort (רָעַשְׁקָה [3x]); (4) To know the ordinances (יָדַעַר אֶת-מִשְׁפָּטֵיהֶם [3x]).

Of the 36 occurrences there is only one parallel word used conjunctively with *mishpat*, that is *zedakah* (10x). It is possible to conclude, therefore, that the term is a general or inclusive one. The other accompanying nominal words are also very general which supports such a conclusion. The association of a variety of verbs confirms the preceding conclusions that the word *mishpat* has a very wide and general application and is, therefore, not a specific term. This is not to suggest that the term has no particular or specific understanding itself. What we are concerned with here is the application of the term in the passages considered. The different intentions and settings to be found in the exegeses of the various units considered, disqualify its specific use, at least in any absolute sense. It is descriptive both in its nominal and verbal contexts, generally describing a mode of action or of being.

The most convenient way of summarizing the major conclusions of the exegeses is to view them in their larger sociological context. The common ground of all the texts considered is that of relationships viewed in familiar historical situations. There are two arenas of relationship that occur and often overlap within which we will

structure our discussion. The first arena is the plane of human interaction. It includes the actions of a man or group of men toward another man or group of men. In the end it will also be possible to gain a view of man in general as reflected in his interpersonal relationships. The second arena includes a man's or a group of men's relationship with Yahweh, i.e. with God, on the basis of his interpersonal relationships.

As in the case of the other prophets, Jeremiah pinpoints the problem of social injustice in the context of relationships among the people. He proclaims no revolutionary social reform program. He does, however, evaluate the present state of interpersonal relationships at the basis of his social order. That basis refers to the idea of covenant that provides the conditions upon which the solidarity of the people is to be ordered. What is uniquely important is his evaluation of those factors in light of the state of human relationships and in the light of God's will according to the legal tradition. This means that as a manifestation of God's free grace, the covenantal basis of the social order is to receive the protection and affirmation of the Law. Implicit in the prophet's evaluation is the correlation between one's relation to his neighbor and one's relation to Yahweh. "The just man is the one who measures up to the particular claims which this relationship lays upon him."¹ The prophet understands that when the former relation falls short of what is required by God's will,

¹Gerhard von Rad, *Old Testament Theology* (New York: Harper & Row, 1965), II, 203.

then a man's relation to Yahweh is in serious trouble. In short, "Men's common life was also judged wholly from the point of view of faithfulness to a relationship."²

We observed this concept of faithfulness in a relationship at the base of the Temple Sermon (Jer. 7:1-15). Whenever a conflict of rights arises, the prophet attacks the situation as one that weakens, even endangers the fabric of the community, i.e. its sense of solidarity. In that sermon of Jeremiah the importance of the social context of relationships is underscored. Yahweh's concern is for *all* His people. When an imbalance results, e.g. when the rights of some are usurped by the selfish greed of others, the relationship--the very social fabric of the community--becomes strained and demoralizing.

H. Eberhard von Waldow correctly locates the source of Israel's sense of social responsibility within prior nomadic kinship associations. Later the location of authority shifted from the *paterfamilias* to become a part of the festival of the renewal of the covenant (Feast of Booths). There the focus was upon the relationship of Yahweh to the cultic community, Israel. The particular laws surrounding Israel's social responsibility, then, revolved around the relationship between God and Israel, and therein derived direct authority from Yahweh Himself. According to von Waldow: "To pull them out of this relationship would make them nothing else than common humanism or general moral laws."³ Specifically, certain laws were intended to

²*Ibid.*, I, 373.

³H. Eberhard von Waldow, "Social Responsibility and Social

protect the rights of various *personae miserales* within the community context. (The widow, stranger and alien: Ex. 22:21-22; Dt. 10:18; 16:11; 14; 24:19-21. The underprivileged: Ex. 23:3, 6; Dt. 24:17.) Understood as interpersonal relationship,

Justice bespeaks a situation that transcends the individual, demanding from everyone a certain abnegation of self, defiance of self-interest, disregard of self-respect. The necessity of submitting to a law is derived from the necessity of identifying oneself with what concerns other individuals or the whole community of man.⁴

Besides the context of the interpersonal relationship, there is a subsequent dynamic within such relationships that requires our attention. One's own desires for material gain, for instance, are his own private decisions. But when one begins laying claim to property or rights he involves other individuals. "The claim of one person to attain justice is contingent upon the assumption that there is another person who has the responsibility to answer it. Justice, then, is an interpersonal relationship, implying both a claim and a responsibility."⁵ Justice is based upon ordered relationships among people. It exists in relation to people. It is not an abstraction as such, for it manifests itself in the actions and reactions, claims and responsibilities of people. Injustice, then, is condemned not for the

Structure in Early Israel," *Catholic Biblical Quarterly*, XXXII:2 (April 1970), 189.

⁴Abraham J. Heschl, *The Prophets* (New York: Harper & Row, 1955), pp. 209-210.

⁵*Ibid.*, p. 209.

breaking of a law alone. Rather, the prophet recognizes the anguish and pain of certain people whose rights have been usurped. When the interrelationships exhibit a disregard for the claims of others as well as one's own responsibilities to the disadvantaged, the prophet recognizes that order itself is being ignored and forgotten. For when the people remember Yahweh and know of His actions on their behalf there is social harmony. They act with honesty and integrity--with justice. The knowledge of Yahweh leads the people into harmonious relationships where justice is manifested and evidences the presence and activity (order) of Yahweh among His people. Jeremiah recognizes that knowledge of Yahweh is practical, moral and wholehearted devotion and obedience to Yahweh. Knowledge of Yahweh consists in doing justice and righteousness and defending the cause of the poor and needy (cf. Jer. 22:15ff.). Injustice, therefore, is condemned since it evidences an ignoring, presumptuous attitude not only toward the Law, but more importantly towards Yahweh. It is condemned because Yahweh intends to preserve the underlying, or given order. Yahweh does care for all those who are victimized by greed and selfishness. He is concerned most for those who cannot defend and protect themselves, e.g. the widow and orphan. It is such people who can only lay claims upon society--not out of greed or pride, but out of necessity. Among the peoples' relationships Yahweh looks for one who will answer the claim--who will plead the cause of the poor. One does not gain justice; nor does he receive it as a gift without obligation. Man *is* or *is not* just. Justice is to be located within his relationship with others and

therefore within his subsequent relationship with God.

Alongside the "claim-responsibility" dynamic stood the legal tradition. It seemed necessary to protect the rights of the needy and the poor from the unwillingness and forgetfulness of others. Whatever the prophets had to say concerning social (moral) responsibility of the community, it seemed to presuppose the tradition of the law. "One cannot talk of a particular message of the prophets concerning social problems without being acquainted with the laws on the subject."⁶ While it is neither my intention nor within the scope of this paper to examine certain laws surrounding certain social problems, it is important for us to consider the prophetic role in the midst of man-to-man relationships. The prophet assumes his stance over against human pride and piety as it was assumed to have followed from doing the law. In legal fashion he represents Yahweh's demands in contrast to the highest human piety. Yahweh Himself is judge. In the midst of the social problem the prophet's case proceeds.

Claus Westermann's two observations about the basic form of the prophetic speech are very useful at this point of our discussion. First, "the 'regular form' of prophetic speech is a unity consisting of the reason and the announcement." Secondly, he observes, "the real messenger's speech (i.e., word of God) is the announcement."⁷ This basic form of prophetic speech is present already in the accompanying

⁶Waldow, *op. cit.*, p. 182.

⁷Claus Westermann, *Basic Forms of Prophetic Speech* (Philadelphia: Westminster Press, 1967), p. 58.

structure analyses. The form also parallels the "claim-responsibility" dynamic. In announcing the reason of his prophecy and Yahweh's impending judgment, the prophet in effect lists the claims of those whose rights have been usurped. In Jer. 5:26 Jeremiah's accusation is on behalf of the helpless, i.e. those exposed to injury as, for example, the fatherless. The claims of those who are "subject to oppression and abuse" are also represented in the first part of this basic form of the prophetic speech. The announcement of God's word occurs in 5:29. Yahweh Himself declares that upon the basis of the prophet's reason (accusation), man is to understand that Yahweh's judgment is to follow. The proceedings here are clearly those of a trial based upon certain precepts of the legal tradition. The prophet points to the social problem, the personal interrelationships in which many are acting unjustly. Because they have ignored the law that prescribes social responsibilities, they themselves are unjust. But there arises here the more fundamental issue of man's relation to God. The prophet attempts to bridge the resulting distance (which has resulted from man's neglect of his social/moral responsibilities) among men and between God and men.⁸

It is precisely at this point within the legal tradition, however, that the prophet encountered his most difficult obstacle. For it is assumed that even in spite of human weaknesses in fulfilling the community's responsibility to the claims of the needy and oppressed,

⁸*Ibid.*, pp. 35-36 and 100-103.

the attitude prevailed that the law is both fail and attainable. Indeed, it is written in Deuteronomy 30:11, 14: "For this commandment which I command you this day is not too hard for you, neither is it far off . . . the word is very near you; it is in your mouth and in your heart, so that you can do it." It is such a passage that probably gave rise to the prevailing attitude of legalism which Jeremiah confronted in the people. In essence it claimed both a practicability of law and a capacity of the people to obey. In other words, it seemed the people believed that now law preceded order and that law provided the basis for order within the community. But as we saw in our very early discussion of covenant and law, this is simply not possible because the order is already given. Such an observation acknowledges the limits of the law and doing the law only without first acknowledging the already present order. While the practicability of the law and capacity for obedience are affirmed, nevertheless reality evidences hardship, oppression and general neglect for a part of Yahweh's people. There are only boundaries of the law, but Jeremiah sees no substance, no semblance of order or justice in society. The prophet has been sent through the streets and squares of Jerusalem to see if there is even one who does justice, i.e. who is himself just (Jer. 5: 1-5). The exegeses of Chapter I have made it clear that despite the practicability and capacity to fulfill the law they have not led to justice, because the basic underlying order has been perverted. Justice does not follow from law. Nor are justice and law, therefore, co-equal. For law is intended to protect and affirm the order, and

therefore cannot make any claims for justice itself. The distinctive role assumed by the prophets as they confronted the legalistic attitude of the people was their "remorseless unveiling of injustice and oppression, in their comprehension of social, political, and religious evils." That is to say the prophets were not so concerned with the legal definition of justice as they were with the "predicament of justice, with the fact that those called upon to apply it deified it."⁹ The prophets raised the question, "Do we recognize that we all belong together despite our differences?" They sought to affirm the order that had always been provided of which Yahweh is the guardian.

The exegetical conclusions have also made it clear that the concern for justice is more than merely legal. It is to be seen that the prophet's concern was not limited to the false pride of men who considered the law within their capacity to fulfill. Rather, Jeremiah considers justice to be not some abstraction, but a constitutive element of the relationship not only among men but also between God and man. The prophet's message while grounded in Israel's great traditions, especially in her legal tradition in the case of justice, nevertheless points beyond itself. That is, the legal rigor of the covenant community is to receive new energy from moral passion and sensitivity. The concern of Deuteronomy is "impressively extra-legal, for it goes beyond the statement of law to solemn appeals, theological sanctions, and humanitarian motivations. . . . Here is covenant law,

⁹Heschl, *op. cit.*, p. 204.

law that describes what men owe to one another because they are brothers before God."¹⁰ This is precisely Jeremiah's concern as well. While he is not so concerned with reinstating the legal tradition to a normative position of centrality in social relationships, he is driven by God's compassion for his people to restore them to right relationships. The key to restored relationships lies not with stricter enforcement or adherence to the laws; rather, it lies with the people themselves.

Thus the purpose and use of traditions and of their interpretation is to make the living word of God comprehensible for the proclamation and to make the new insight of the prophet into the relation of man to God and to the world. Because of this new insight there is no return to tradition, but in their refining and expanding interpretations they show the way for a new relationship to God.¹¹

The quest for justice in human society, then, involves a kind of new quest for salvation. The law alone is insufficient to save Israel from herself. One's conduct was earlier regarded over against

. . . an absolute ethical norm, a legality which derives its norm from the absolute idea of justice. From this absolute norm, it was supposed, issued absolute demands and absolute claims. . . . The mistake lay in seeking and presupposing an absolute ideal ethical norm, since ancient Israel did not in fact measure a line of conduct or an act by an ideal norm, but by the specific relationship in which the partner had at the time to prove himself true. . . . To some extent, therefore, the specific

¹⁰Norman K. Gottwald, *A Light to the Nations* (New York: Harper & Row, 1959), p. 344.

¹¹Georg Fohrer, "Remarks on Modern Interpretation of the Prophets," *Journal of Biblical Literature*, LXXX:4 (December 1961), 316.

relationship in which the agent finds himself is itself the norm: only, it must be borne in mind that people are constantly moving in very many relationships, each one of which carries its own particular law within itself.¹²

If Israel is to be saved and if justice is to be established, she must engage in a new saving activity with Yahweh.

Before we open the discussion of Israel's relationship with Yahweh, it is necessary to make some summary remarks about the central or key word of our exegeses. That key word is *mishpat*. Preliminary understanding of this term, i.e. its function and application, occur in the foregoing exegeses. In this discussion of the people involved in relationship with each other and with Yahweh according to covenant law, it is appropriate that we view the meaning that *mishpat* might have had for these people.

Basically the term *mishpat* is, as we have seen, an inclusive one. It sums up all the obligations incumbent upon the people within covenant law. It includes both moral claims and religious responsibilities. It demands obedience to the ethical precepts of the law; but *mishpat* also requires the right attitude toward Yahweh. Yet, ethical requirements are not to be distinguished from one's attitude toward Yahweh. For it is Yahweh who has prescribed the requirements while also providing the impulse to act according to His will, e.g. when we speak of the fear and love of Yahweh. *Mishpat* describes both what one may claim as well as what one is bound (by covenant) to do to others. "In its fundamental meaning, *mishpat* refers to all actions

¹²Rad, *op. cit.*, I, 371.

which contribute to maintaining the covenant, namely, the true relation between man and man, and between God and man."¹³ In other words, in his daily living one is always judging because he must always act so to uphold the covenant, i.e. the provided order for the whole life of the community. This is the action of *mishpat*.

Such an understanding of the acting out of *mishpat*, however, presupposes some ability or capacity of man to know what is morally required of him by Yahweh. It further seems to imply some capacity to discern between what is good and evil in light of the whole life of the community. The same understanding is implicit in King Solomon's prayer: "Give thy servant therefore an understanding mind to govern thy people, that I may discern between good and evil. . . ." (I Kings 3:9, cf. 3:11ff.) Popularly understood, however, justice (*mishpat*) is often regarded as giving each person his due. So it is that even today we have the very common symbol of justice as the rights, claims and responsibilities of at least two sides are balanced off one against the other, the scales. But the balancing of scales is something quite different from the capacity to discern between good and evil in terms of the community life.

Balancing is possible when the scales are unimpaired and the judge's eyes sound. When the eyes are dim, and the scales unsure, what is required is a power that will strike and change, heal and restore, like a mighty stream bringing life to the parched land. There is a thirst for righteousness that only a mighty stream can quench. . . . The image of scales conveys the idea of form, standard, balanced, measure, stillness. The image of a mighty stream expresses content, substance, power, movement, vitality.¹⁴

¹³ Heschl, *op. cit.*, p. 210.

¹⁴ *Ibid.*, p. 215.

This is a restatement of what was earlier argued. Namely, the law (standard, balance, measure, etc.) is insufficient in and of itself to accomplish the work of justice. What is required is a moral passion, better yet, a form of power and vitality that instead of deifying law allows it to point to the reality from which it is given, viz. the ordering of Yahweh and the solidarity of the people. This is a way of reiterating the need for a new activity--a new saving activity--by the people of God with Yahweh Himself.

We are not to understand a need for a power which will bring the people to justice. On the contrary, I am suggesting that order is itself a power or vitality that is the dynamic basis of the good, healthy, and right relationships among the people and between God and man. Order does not receive power, it *is* power. Justice is not a goal to be attained once for all time. Justice is the right behind the claims of the underprivileged, the oppressed and those without the protection of law. "Justice is at the same time a power and a claim: the power and the claim to maintain one's honor and that of one's neighbor, i.e. to maintain life as it appears in the covenant."¹⁵ Order is the power, then, that makes a new saving activity possible. It is the power that brings human relationship into harmony and subsequently harmonizes man's relationship with God. If justice functions as a major or dominant power (i.e. obedience to God's will), then total change in Israel's moral life is possible. This is to say that

¹⁵Johannes P. E. Pedersen, *Israel* (London: Oxford University Press, 1926), II, 352.

justice is the determinant factor in ethical decisions as well as the basis for the moral life. Justice, understood in terms of power, becomes a mode of action and of being as well as a sensitivity for what is *right*.

If justice itself is to be understood in terms of power, as a mode of action and of being, and as a sensitivity for what is right, how does this understanding coincide with the great variety of claims that are made within any given community? Surely the judges decide how the law is to be administered according to the letter. The question of justice, however, raises the question of the claims and responsibilities of the community as a whole. How, then, are we to characterize this concern for this discerning power, *mishpat* (justice)? A clue to the prophetic concern for justice is perhaps best described in Amos 5:14, 15: "Seek good and not evil. . . . Hate evil and love good and establish justice in the gate." That is to say, the concern, indeed the *imperative* for justice experienced by the prophets, included more than doing justice. The imperative is given to move beyond the law, i.e. to hate the evil and love the good (cf. Isa. 61:8). The imperative is restated in Micah: "He has showed you, O man, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God." (6:8) To state it succinctly: "The concern for justice is an act of love."¹⁶ Justice, strictly meted out according to law, reflects a legalistic attitude

¹⁶Heschl, *op. cit.*, p. 201.

which is neither in keeping with the order provided by God, nor is it the justice that brings fullness of life, or goodness into life. Justice is to be held in tension with life which functions within the community in an attached and personal manner. Under a legalistic attitude relationships may become detached, weakening the fabric of the community. But in giving the law, God showed His faithful concern, i.e. His love for man. Justice indeed arises out of a concern, an act of love, rather than a distorting, legalistic attitude that lays its own claims based not upon divine activity but upon human possibility.

It is at this juncture that we must enter the second major arena of discussion to speak about man's relationship with Yahweh, the God of Israel. It is especially significant at this point since we have arrived at that point in our understanding of justice which involves the presupposition in which the law is given and justice is required. For justice is a

. . . transcendent demand, freighted with divine concern. It is not only a relationship between man and man, it is an *act* involving God, a divine need. . . . It is not one of His ways, but in all His ways.¹⁷

This divine concern for goodness and fullness of life to all within the community is characterized by Yahweh's *chesed*. That is, *chesed* is an expression of the covenantal relationship between Israel and Yahweh. It stems from a manifestation of His free grace (cf. Eph. 2:7ff.). But it also speaks of obligation to a relationship, "The

¹⁷*Ibid.*, p. 198.

chesed of God, while it is not to be identified with His grace, is still based upon the latter, insofar as the relationship between God and people, structured by Him as a covenantal relationship, was effected by electing Israel through an act of grace."¹⁸ Thus, the understanding of such a term parallels our discussion of justice. If the people of the covenant community expect to know of God's continuing concern, activity and love, then they must conduct themselves in their interpersonal relationships in terms of *chesed*, i.e. in terms of steadfast love or faithfulness.

Yahweh's relationship with His people is expressed in terms of *chesed*, not only in the making of the covenant, but also in the giving of the law. The law, like the covenant, is given as an expression of God's *chesed*. Because God has loved His people and desires to maintain His order He has given the Law as an expression of His love and concern that they would be guided aright toward the fullness and goodness of life.

Yea, he loved his people;
all those consecrated to him were in his hand;
So they followed in thy steps,
receiving direction from thee,
when Moses commanded us a law,
as a possession for the assembly of Jacob.
Deut. 33:3-4

It is this intention of the law, namely to give expression to divine love for all peoples within the community, that Jeremiah along with the other prophets emphasized. The exegeses have demonstrated

¹⁸Nelson Glueck, *Hesed in the Bible* (Cincinnati: Hebrew Union College Press, 1967), p. 102.

that justice itself (unlike law) may very well not be a norm. Rather, it is charged with God's present activity among men. It reflects both the power and the will of God, especially as it is expressed in terms of His *chesed*. We, therefore, like the prophets, are not to appeal to any norm or standard of justice. Rather, we must speak of the God of justice and of God's concern for justice. This is the only proper stance in the stream of history in which we affirm God is indeed acting. As we recall God's faithfulness and steadfast love (i.e. His *chesed*) in the past, so is the present to be characterized and the future hoped for in terms of God's concern, especially for justice.

Such recalling occurred within the cult where the relationship between Yahweh and His people was centered.

Israel regarded the cult as the place where pre-eminently it was incumbent upon her to make room for Jahwe's right and for the claim which he made. Thus, what took place in the cult can also be designated as the *mishpat* of God (II Kings 17:26; Jer. 5:4; 8; 7). This 'right' of God's in human life was therefore the primary and constitutive factor--it was the foundation-stone of the cult, and everything else followed from it.¹⁹

Out of God's *chesed* followed the covenant and the law to be centered in the cult. That which was intended to follow from this relationship of Yahweh to His people was *mishpat*, i.e. justice. Within the covenant and law, Yahweh had made His will known to His people. His will had been witnessed in the community's past experiences. It is Jeremiah's role to unveil the injustices that have arisen within the community fabric in spite of the covenant, the law, and the activity of Yahweh

¹⁹Rad, *op. cit.*, I, 242.

in the peoples' history.

What in the earlier period of social equality and equal economic opportunities were only protective regulations for some unfortunate outsiders, are now laws dealing with the situation of a great portion of the population whose deplorable economic status had become a commonplace in Israel's daily life. That means the discrepancy between the will of God, who was believed to have established the ancient social order, and the reality had deepened. What still remained was that powerful word: Where Yahweh is called the God of Israel *one must not**** This shows the possibility that a clash between the will of God and social development in Israel was not merely a theoretical possibility.²⁰

In short, God Himself in His *chesed* demands faithful obedience from His people. He demands a radical change of Israel's corporately corrupt life. "Let justice and righteousness (i.e. obedience to Yahweh's will) be a dominating power in the nation."²¹

"Righteousness, and only righteousness you shall pursue." (Dt. 16:20) The introduction of yet another key term, *zedakah*, (righteousness) underscores a final essential aspect of Yahweh's relationship to His people. As we have noted earlier, *mishpat* is itself not a standard or norm. "Righteousness," however, functions as *the standard* of human life "properly ordered." ("Justice," i.e. *mishpat*, is the power or means whereby we act in order to pursue righteousness.)

There is absolutely no concept in the Old Testament with so central a significance for all the relationships of human life as that of *zedakah*. It is the standard not only for man's relationship to God, but also his relationship to his fellows, reaching right down to the most petty

²⁰Waldow, *op. cit.*, p. 200.

²¹J. Lindblom, *Prophecy in Ancient Israel* (Philadelphia: Fortress Press, 1965), p. 352.

wranglings--indeed, it is even the standard for man's relationship to animals and to his natural environment. *Zedakah* can be described without more ado as the highest value in life, that upon which all life rests when it is properly ordered.²²

The highest value in life serves as the standard of the will. The ones who "administer justice" or "plead the cause of the poor" (Jer. 5:26-29), for example, must strive for the quality of righteousness. They particularly must have the will (obedience) and the power (justice) to maintain the covenant of relationships. Referring to the "judge," Pedersen writes that "he is to uphold the covenant both outwardly and inwardly, and the inward equilibrium he maintains by supporting those who are about to fall, and by checking those who want to take too much. . . . He who judges must determine what the will of the covenant requires."²³ Righteousness, then, is an essential aspect of the Yahweh-man relationship as a necessary compliment to justice. Thus, "They shall judge the people with righteous judgment" (Dt. 16:18).

It is clear that one cannot speak of *mishpat* (justice) without also coming to grips with the concepts of *chesed* (faithfulness) and *zedakah* (righteousness). They are all closely interrelated and interdependent. Since Israel was the covenant community, the chosen people, they lived under certain obligations. The way in which they were to fulfill Yahweh's will was by faithful obedience expressed in what

²²Rad, *op. cit.*, I, 370.

²³Pedersen, *op. cit.*, II, 348-349.

Jeremiah (like the other prophets) terms *mishpat* and *zedakah* (justice and righteousness).

Summary

Jeremiah, the prophet stands in much the same light as Hamlet:

The time is out of joint; O cursed spite,
That ever I was born to set it right.

(*Hamlet*, I, v.)

Jeremiah differs from his prophetic predecessors in his emphasis upon the relationships of men and the role they play in a new saving activity.

Jeremiah is also the prophet in whose preaching one constantly comes across reflexions on whether man's dispositions can or cannot be changed. . . . He knew that the human heart was deceitful . . . and incurable . . . (Jer. 17:9). As he thus ruminated on the nature of man, he arrived at a very profound understanding of elements in it. His thoughts constantly revolve round the tremendous bondage in which man is the prisoner of his own opposition to God. It is simply not in his power to determine his way. . . .²⁴

In spite of the law there is little or no justice to be found in the covenant community. The reason lies within man himself. It is his disobedience that holds him powerless in receiving the goodness and fullness of life that God intended for him.

Because of man's weakness, justice and even righteousness are beyond his reach, i.e. beyond his works by the law. We have seen also that it is at this point that God's *chesed* comes into play. For

²⁴Rad, *op. cit.*, II, 216.

"righteousness is not just a value; it is *God's stake in human history*. Perhaps it is because the suffering man is a blot upon God's conscience; because it is in relations between man and man that God has a stake."²⁵

We have further seen the close kinship of *chesed* and *zedakah*. Both designate the faithfulness and concern operative alongside *mishpat*. But *chesed* in particular characterizes the beneficent and active disposition of God toward the covenant community. Justice and righteousness are given in God's steadfast love (*chesed*), not in place of the law, but as its necessary supplement. Love (*chesed*) and justice (*mishpat*) represent the fulfillment of both the letter and spirit (intent) of the law. They further represent the harmony of relationships among men and between man and God. Law and justice, therefore, are *not co-equal*. Nor are they lower or secondary to God's *chesed*, or love. Rather, justice is to be held in tension with love and finally they in turn in tension with righteousness. The new activity of salvation (or progress within the human situation) toward a new social order of harmony results from the stress and strain of human interpersonal relationships. Faithfulness, or steadfast love, and justice empower and enable man to live in harmony within the community serving the claims and interests of the community as a whole, while assuming the responsibility for the obligations of the covenant with Yahweh. The concern for justice is indeed an act of love, both essential if man is to be granted his salvation.

²⁵ Heschl, *op. cit.*, p. 198.

CHAPTER III

FOUNDATIONAL CONSIDERATIONS FOR REINHOLD NIEBUHR'S

UNDERSTANDING OF JUSTICE

In his essay, "Faith as the Sense of Meaning in Human Existence," Reinhold Niebuhr wrote:

The human story is too grand and awful to be told without reverence for the mystery and the majesty that transcend all human knowledge. Only humble men who recognize this mystery and majesty are able to face both the beauty and terror of life without exulting over its beauty or becoming crushed by its terror.¹

This section is intended to examine those aspects of the human story that touch some of the majesty to which Niebuhr refers, specifically the majesty of God's justice. While His justice does indeed transcend human knowledge and reason, nevertheless as it is recorded in Micah 6:8, we have been shown what is good, and even now God requires us "to do justice and to love kindness. . . ."

From the beginning the story of man has been told in the contexts of various struggles for power. The story is marked with incidents of jubilant victory as well as humiliating defeat, all revolving around the relative gains or losses of power. Various struggles for power have originated in the name of "justice," giving even greater cause for jubilation. It is to this aspect of the human story that Reinhold Niebuhr refers when he asserts that "all justice

¹Reinhold Niebuhr, *Faith and Politics* (New York: Braziller, 1968), p. 13.

in human society rests upon some kind of balance of power." I am intrigued by this assertion and therefore intend to examine the relationship of Niebuhr's notion of "balance of power" to his notion of "justice."

One way of examining such an assertion is to describe its characteristics and what its implications may be. Thus I see my task in this section as descriptive rather than strictly analytical as there is no systematic statement or essay of Niebuhr's dealing specifically with the interrelationship between "justice" and "balance of power." The following chapter will perform the analytical task of evaluation. It should further be stated that in order to discover this interrelationship it will be necessary and helpful to move topically from 'man,' to 'sin,' to 'power,' to 'balance of power,' and finally to 'justice' (which for Niebuhr must also include some discussion of his understanding of 'love').

DOCTRINE OF MAN

In his two-volume work, *The Nature and Destiny of Man*, Reinhold Niebuhr compares the Christian view of man with a variety of alternative anthropological views. The interpretations vary from Greek classical views in the ancient world, to naturalism and idealism in the modern world. It is significant, however, that in his comparison he begins where western history and civilization begin (i.e. with the Greek traditions), but purports to proceed upon the basis of a Christian, more particularly a biblical, view of man. So far as the

above-mentioned works are concerned, the essence of Hebrew life and thought contained in its history of traditions (not to mention the entire ancient near eastern traditions) is for all intents and purposes largely disregarded. It seems only reasonable that if Niebuhr's view of man is purported to be a biblical view, such a view should reflect a deep indebtedness to the richness of Israel's traditions surrounding man and especially those surrounding the notion of justice! Nevertheless, Niebuhr finds the Christian interpretation to be more adequate to the situation and the facts of man.

That situation of man is composed of two basic observations. First, man is "a child of nature, subject to its vicissitudes, compelled by its necessities, driven by its impulses, and confined within the brevity of the years which nature permits its varied organic form. . . ." On the other hand, man is also "a spirit who stands outside of nature, life, himself, his reason and the world."² Thus, he centers upon the Christian view of man and undertakes what he considers a biblical interpretation of human existence. He understands man's nature as defining the structures of created freedom, sin, judgment and redemption. Human destiny, on the other hand is the drama of history in which man's nature is acted out.

The sources for Niebuhr's view of man are varied. He draws from the Protestant reformers and church fathers, especially Augustine. He further claims primary dependence upon the Bible although as we

²Reinhold Niebuhr, *The Nature and Destiny of Man* (New York: Charles Scribner's Sons, 1964), I, 3.

shall see later it appears to be lacking in Old Testament traditions and emphases. In a more contemporary vein he shows the influences of Barth and Brunner. These influences are apparent in his stressing the radically transcendent character of the God of the biblical tradition, as well as the consequent creatureliness and sin of man. From the biblical foundation of his view of man Niebuhr concludes, "the finiteness, dependence and the insufficiency of man's mortal life are facts which belong to God's plan of creation and must be accepted with reverence and humility."³ According to Niebuhr, the biblical view of man begins with the God who reveals Himself to man. It is in His presence alone that man sees himself as he truly is. This view finds expression in the biblical account of man being created *imago dei*. The question often arises, however, 'Where is the image of God located in man?' Niebuhr rejects both question and reply that the image of God is to be *found*, as such, much less in human reason. Rather, drawing upon Augustine, he perceives the image of God in the self-conscious and self-transcendent position amid ever new possibilities of both good and evil. Christian thought intends "to interpret human nature in terms which include his rational faculties but which suggest something beyond them."⁴ In other words, the notion of transcendence suggests man is also something that reaches beyond himself, that he is more than purely a rational creature.

Yet, because he is more than purely a rational creature, man

³*Ibid.*, I, 167.

⁴*Ibid.*, I, 161.

is also a problem to himself. To Niebuhr, the profundity of Christianity lies in part in its understanding of the real sinfulness of man. This premise is uniquely central to the Christian view of man. Of those views which attempt to define man in terms of mind, rationality, or spirit we might inquire, 'What of man's involvement in nature?' Likewise of those who seek to define man as an aspect of nature itself we must ask, 'How are we to understand man's self-conscious and self-transcendent possibilities?' The answer lies in part with man himself. But it is not to be seen as solely within or dependent upon man so much as it is to be viewed as man in relation to God. *Ruach* and *nephesh* are cited by Niebuhr as connoting the Hebraic sense of unity of body and soul. The former designated the organ of man's relation with God, while the latter connotes the life principle, i.e. the soul, in man. In this way Niebuhr intends to preserve the Hebraic sense of unity of body and soul, while at the same time suggesting "spirit is conceived of as primarily a capacity for and affinity with the divine."⁵ In the meantime it should be noted that for Niebuhr the rationalism of early Greek philosophy like the modern trends in philosophical naturalism and/or idealism result in an unrealistic and unwarranted optimism relying upon the notion of the progress of man with a confidence in man's autonomy, reason and virtue. In contrast, Niebuhr locates the source of and key to man's fulfillment in his relation to God. Such a position is considered to

⁵*Ibid.*, I, 151.

be biblical by Niebuhr insofar as it emphasizes the integral unity of body and spirit, and the freedom and creatureliness (including the sinfulness) of human nature. This is the thesis which Niebuhr maintains throughout his work.⁶

The modern challenge to such a view of man arises in the assertion that man *does* have sufficient virtue and intelligence to solve his problems, shape his destiny and master his fate. Such a challenge rests upon the assumption that human evil is either inertia or ignorance, both of which may be overcome either through education or social reform. To Niebuhr, this position represents a radical misunderstanding of the nature and extent of evil in man.

Further, the Christian view of man seeks to strike a balance of individuality and community. That balance for Niebuhr presumably lies somewhere between the extremes of individualism and collectivism. Individualism leads to anarchy while the other extreme results in tyranny. To put it in other words, the counterpart of anarchy would be the extreme of man's love of himself. The counterpart of tyranny would be man's love of an ideal or any deification or absolutization of a finite reality, e.g. nation, flag, church, etc. The significance of this aspect of Niebuhr's view is seen in the way in which it emphasizes his doctrine of man as the basis for Christian ethics, as opposed to, say, 'balance of power'; for the love-justice tension of Niebuhr's thought rests within the nature of man himself.

⁶*Ibid.*

Again, therefore, it is to be re-emphasized that God reveals Himself to man and man is in turn to be viewed in relation to God. Where the character of man's life is seen as fragmentary it is not to be regarded as evil, according to the biblical faith. Rather,

It is seen from the perspective of a centre of life and meaning in which each fragment is related to the plan of the whole, the will of God. The evil arises when the fragment seeks by its own wisdom to comprehend the whole or attempts by its own power to realize it.⁷

The extension of Niebuhr's view of man with which we are here concerned is characterized as the "Kingdom of God and the Struggle for Justice."⁸ Niebuhr's statement of the ideal society is contained in the concept of the Kingdom. All social structures and achievements of human law and justice are placed within this concept deriving their validity from their capacity to point beyond themselves toward the Kingdom of God. But the struggle for justice never reaches the perfection within the Kingdom; for it is tempered by the realism of man's propensity for evil, i.e. because he is both creaturely and sinful. It is this same realism that both limits man's efforts to achieve justice and attempts to acknowledge those limits. Man is, however, freed from the static absolutism of the law. He is further freed to respond to the service and justice of God. This is the great paradox of human existence: "Man's involvement in finiteness and his transcendence over it."⁹

⁷*Ibid.*, I, 168.

⁸*Ibid.*, II, title of Chapter 9.

⁹*Ibid.*, I, 175.

A summary of Niebuhr's view of man and its implications occurs in his comparison of the Christian view with other alternative views:

The Christian view of man is sharply distinguished from all alternative views by the manner in which it interprets and relates three aspects of human existence to each other: (1) It emphasizes the height of self-transcendence in man's spiritual stature in its doctrine of 'image of God.' (2) It insists on man's weakness, dependence, and finiteness, on his involvement in the necessities and contingencies of the natural world, without, however, regarding this finiteness as, of itself, a source of evil in man. In its purest form the Christian view of man regards man as a unity of God-likeness and creatureliness in which he remains a creature even in the highest spiritual dimensions of his existence. . . . (3) It affirms that the evil in man is a consequence of his inevitable though not necessary unwillingness to acknowledge his dependence, to accept his finiteness and to admit his insecurity. . . .¹⁰

DOCTRINE OF SIN

It is to be understood that for Niebuhr the biblical view of man is not concerned with the emancipation of man from the contradiction of his finitude on the one hand and his freedom on the other. The uniqueness of this view begins with its subordination of the problem of finitude to the reality of sin. Biblical understanding "seeks redemption from sin; and the sin from which it seeks redemption is occasioned, though not caused, by this contradiction in which man stands."¹¹ The contradiction refers to the ambiguity of man's position of standing within yet also above nature. It is this contradiction which is the occasion, better yet the context of sin. Niebuhr emphatically denies that this position of man does not *cause*

¹⁰ *Ibid.*, I, 150.

¹¹ *Ibid.*, I, 178.

man's sin. Man, he argues, is not betrayed into sin by the ambiguity of his created position. Yet this is the nature of man as problem to himself.

In attempting to ignore his finitude and transcend his finite limitations with the intent of becoming identical with the universal mind, it is the pride and the will-to-power of man that disturbs the harmony of creation.

The Bible defines sin in both religious and moral terms. The religious dimension of sin is man's rebellion against God, his effort to usurp the place of God. The moral and social dimension of sin is injustice. The ego which falsely makes itself the centre of existence in its pride and will-to-power inevitably subordinates other life to its will and this does injustice to other life.¹²

The distinctiveness of the biblical view, then, is its locating the source of man's sin in his refusal to acknowledge his finitude and determinate character.

It is along these lines that Niebuhr acknowledges his Augustinian influences. According to Niebuhr, Christian thought has maintained with some consistency that "pride is more basic than sensuality and that the latter is, in some way, derived from the former." He goes on to suggest that the biblical understanding of basic sin as pride finds its best summary statement in Paul's exposition of man's self-glorification: "They changed the glory of the incorruptible God into an image made life unto corruptible man." (Romans 1:23; cf. also Isa. 2:9-22) Paul insists that man's sinful

¹²*Ibid.*, I, 179.

glorification is without excuse. Further he considers human sin as the inevitable effect in relation to the sin of the first man. In short,

Man, being both free and bound, both limited and limitless, is anxious. Anxiety is the inevitable concomitant of the paradox of freedom and finiteness in which man is involved. Anxiety is the internal description of the state of temptation. It must not be identified with sin because there is always the real possibility that faith would purge anxiety of the tendency toward sinful self-assertion. . . . That is why Christian orthodoxy has consistently defined unbelief as the root of sin, or as sin which precedes pride.¹³

Niebuhr also addresses himself to the social dimension of sin. In so doing he distinguishes between the role of the individual and the group of which the individual is a part. He considers only the individual as a moral agent. The group pride, therefore, is a manifestation of the pride and arrogance of individuals. He feels that such a distinction between the egotism of individuals and the group pride is necessary because "the pretensions and claims of a collective or social self exceed those of the individual ego. The group is more arrogant, hypocritical, self-centered and more ruthless in the pursuit of its ends than the individual."¹⁴ From this perspective Niebuhr concludes there arises an "inevitable moral tension" between the individual and group morality. It is particularly in the collective, or group pride that we discover the essence of human sin as Niebuhr perceives it. This collective form is also the most productive of historical and social evil. "In its whole range from pride of family

¹³*Ibid.*, I, 182-183.

¹⁴*Ibid.*, I, 208-209.

to pride of nation, collective egotism and group pride are a more pregnant source of injustice and conflict than purely individual pride."¹⁵

Concerning the role of the individual, however, Niebuhr is at his best. He acknowledges that both rationalists and moralists are perhaps offended by his position. Their objections would be most persistent with the seemingly absurd notion that man is very much responsible for his actions which are prompted by a fateful necessity. If man sins "inevitably," how is it possible for him to be responsible for his actions? Niebuhr replies,

Sin is to be regarded as neither a necessity of man's nature nor yet as a pure caprice of his will. It proceeds rather from a defect of the will, for which reason it is not completely deliberate; but since it is the will in which the defect is found and the will presupposes freedom the defect cannot be attributed to a taint in man's nature.¹⁶

With this background and general understanding it may be helpful to briefly consider a manifestation of sin in human life which is particularly relevant to our discussion. Niebuhr describes three types or aspects of pride which he acknowledges to be a traditional distinction within Christian thought. He speaks of the pride of virtue, the pride of knowledge, and the pride of power. Of these, we will turn our attention to the pride of power.

Niebuhr begins,

¹⁵ *Ibid.*, I, 212-213.

¹⁶ *Ibid.*, I, 242.

There is a pride of power in which the human ego assumes its self-sufficiency and self-mastery and imagines itself secure against all vicissitudes. It does not recognize the contingent and dependent character of its life and believes itself to be the author of its own existence, the judge of its own values and the master of its own destiny.¹⁷

This aspect of sin indicates possible directions in which sin may lead human existence. There is an implicit image of grasping or reaching out. That is to say, pride seems to function as something more than presuming an ordinary or even extraordinary measure of freedom over finiteness. It appears to be something beyond being unaware of one's finitude and determinate character. Rather it appears to be a conscious act of assuring oneself of his security. Niebuhr describes it as "the sin of those, who knowing themselves to be insecure, seek sufficient power to guarantee their security, inevitably of course at the expense of other life."¹⁸ His description appears fitting for a contemporary society whose ultimate emphasis appears to be on technology. Such a bourgeois culture as ours has come to depend upon the physical comforts and security technology offers as life's ultimate good. The lust for power, therefore, feeds upon the hope of attaining a final security which in fact lies beyond the limits of human possibility.

What are the limits and/or implications of such an understanding of sin? In its search for security the will-to-power provides a basis of "inordinate ambition" which in turn "arouses fears and enmities which the world of pure nature, with its competing impulses of survival

¹⁷*Ibid.*, I, 188.

¹⁸*Ibid.*, I, 190.

does not know."¹⁹ The resultant social order becomes involved in injustice. In other words, man's propensity for sin sets the limits of human existence. For Niebuhr it holds realism ("All justice, therefore, rests upon some balance of power,") in tension with idealism (represented by his dialectic between love and justice). The implication of such an understanding of sin holds particular significance for our understanding of power. Because of the pride of virtue and knowledge, power itself can never be purely disinterested. It stems from both the temptation to transcend human limits and possibilities as well as from sense of insecurity tempting man to secure his own position in life even if at the expense of others. It is to this discussion of power that we now proceed.

DOCTRINE OF POWER

We may begin by asserting that it is, for example, the power of a government or state that enables it or gives it the capacity to obtain compliance with its laws. This is to say that power suggests the ability or capacity to control or to exert force. In this sense it can be described as the capacity to produce intended effects, i.e., it is *causal*. For our purposes it is best illustrated in human nature or within the human (social) situation. As Niebuhr suggests, "All life is an expression of power." It is central to society and to social interaction; for power is the expression or capacity of a life

¹⁹*Ibid.*, I, 192.

or of a self to gain that which is essential for its growth and meaning in life, as well as to protect itself from potentially threatening or destructive forces. Power is to be observed at work among men as will seeks to dominate will, interest conflicts with interest, or as self (individual or collective self) seeks to isolate itself from community and perhaps even to disavow communal responsibility. One might say then that power or the use of power is a given in the human situation.

Subsequently one can list several sources of power. It arises from one's loyalties to other people, groups, or ideas; it arises from the "consent of the governed"; it comes from an attitude of self-confidence or assurance; or it may be derived from a position or office of authority. On the negative side, power may result from the alienation or purposelessness of *others*; it may be surrendered by a group's apathy; it may be usurped by ignoring others; or power may be characterized as, for example, subtle pressures toward conformity. In addition to these sources, Niebuhr also mentions various kinds of power throughout his writings. We may speak of political or economic power as well as of military, moral, or spiritual power. Power may be either coercive or it may be resistant. One usually results in, or at least opens itself to, the response of its opposite, e.g. a balance between *opposing* powers.

Already we can begin to distinguish power used for social enhancement from power for survival. That is, the distinction between the notion of power present in a conflict of wills or interests from

the power present in physical survival. The discussion here is intended to narrow down to a description of the former notion of power, which is more directly applicable to the question of justice and not limited only to the relative gain or loss of power.

Man being more than a natural creature, is not interested merely in physical survival but in prestige and social approval. Having the intelligence to anticipate the perils in which he stands in nature and history, he invariably seeks to gain security against these perils by enhancing his power, individually and collectively.²⁰

Thus, power as it is understood in this context, implies not only the will-to-live but also involves what may be termed the "will-to-self-realization." In the social process toward "prestige and social approval," then, we may even speak of a will-to-power. Such self-assertion suggests a competitive context not only of tension but also even of conflict.

The conflicts between men are thus never simple conflicts between competing survival impulses. They are conflicts in which each man or group seeks to guard its power and prestige against the peril of competing expressions of power and pride.²¹

The power of the impulsive "will-to-power" places man *fundamentally* in conflict with other men and/or groups. In other words, "the perfect accord between life and life is constantly spoiled by the inordinate concern of each life for its own weal, especially as expressed in the corporate egoism of contending groups. Human society is full of the

²⁰ Reinhold Niebuhr, *The Children of Light and Children of Darkness* (London: Nisbet, 1945), p. 20.

²¹ *Ibid.*, pp. 20-21.

friction of cross purposes.²²

Indeed such power is called an "evil necessity" by Niebuhr. It is necessary insofar as man's stubborn and selfish defense of his own interests are concerned, and it is evil because "it is an extension of partiality at the expense of perfect brotherhood."²³ On the other hand,

. . . to recognize that only God can perfectly combine power and goodness is to understand that power is not evil of itself; but that all power in history is in peril of becoming an instrument of injustice because it is itself one of the competing powers in human society, even while it seeks to become (as is the case of the power of government) a transcendent power through which subordinate conflicts are harmonized.²⁴

Niebuhr proceeds from his anthropological base to focus his attention primarily upon considerations of the social-political dynamics of power. Beginning with the basic unit of social organization beyond the family, Niebuhr characterizes communities as more or less "precarious harmonies" of human vital capacities. They are shaped and governed by power.

The power which determines the quality of the order and harmony is not merely the coercive and organizing power of government. That is only one of the two aspects of social power. The other is the balance of vitalities and forces in any given social situation. These two aspects of communal life--the central organizing principle and power, and the equilibrium of power--are essential and perennial aspects of community organization; and no moral or social advance can redeem society from its dependence upon these two principles.²⁵

²²Harry R. Davis and Robert C. Good (eds.) *Reinhold Niebuhr on Politics* (New York: Charles Scribner's Sons, 1960), p. 91.

²³Charles W. Kegley and Robert W. Bretall (eds.) *Reinhold Niebuhr* (New York: Macmillan, 1956), p. 386.

²⁴Niebuhr, *The Nature*, II, 22.

²⁵*Ibid.*, 257-258.

Yet, at the same time, while there are various possibilities of managing and equilibrating the social forces of power in order to achieve the highest possible justice, and while the organizing principle and power are further subject to indeterminate refinement, there is nevertheless cause for caution. For although these two factors are able to approximate a more perfect brotherhood in varying degree, each factor also contains the possibility of contradicting the law of brotherhood. "The organizing principle and power," writes Niebuhr, "may easily degenerate into tyranny. . . . the principle of the balance of power is always pregnant with the possibility of anarchy. These twin evils, tyranny and anarchy, represent the Scylla and Charybdis between which the frail bark of social justice must sail."²⁶

The perennial aspects and importance of power mentioned above are based upon two characteristics of human nature which underlie all of Niebuhr's writing in his *Nature and Destiny*. The first is the unity of vitality (body) and reason (soul). The other is the force of human sin. The former guarantees that one's own interests ("egoistic purposes") will be pursued, while the latter defies mere moral or rational suasion to restrain a person from taking advantage of another. "The calculation of available resource on each side is as determinative in settling the outcome of the struggle as more purely rational or moral considerations."²⁷ It becomes clear that the central thrust of Niebuhr's position is almost entirely directed toward the social-

²⁶*Ibid.*, II, 258.

²⁷*Ibid.*, II, 259.

political dimensions of the human community. Reason, for example, may become nothing short of an instrument of the ego in advancing its claims against another. Reason, therefore, also becomes a "power" supporting the claims and interests of one life against another. Indeed both one's spiritual and physical faculties might combine to form any number of possible types of power from pure reason to raw physical force. Yet the point is that such a social-political emphasis upon the importance of power for the achievement of justice is as determinative for Niebuhr in settling any conflict of claims and interests as any "moral considerations." I am suggesting here that in effect Niebuhr has neutralized any theological perspective of man, e.g. sin as the tendency to regard the self above all others. One is tempted to suggest that despite the tension Niebuhr builds between vitality/reason and sin, it is the former that includes the social structures of justice and therefore generally shapes the conclusions he offers concerning justice. In fact, because sin is a given factor in man's situation, justice becomes possible *only* through the equalizing distribution of powers. At this point Niebuhr seems to be dealing only with the consequences of sin and not the reality of sin itself. (Niebuhr himself considers the profundity of Christianity to be the recognition of the reality and extent of human sin.)

In short, power (as it concerns justice) is characterized by Niebuhr as social-political organization of factors and forces otherwise impotent. The introductory discussion has so far alluded to the fact of power, man's ensuing responsibilities relative to interests of

the self as well as of the neighbor, and to the context of tension or conflict that surround the fact of power. It is at this juncture of involving man's ensuing responsibilities that I would raise one of the implications of the dependence of man upon his power. Given the will-to-power and the fact of man being fundamentally in conflict, how is it possible that I should ever expect to feel safe or secure from the threatening interests or claims others may make upon me? Such a situation is best described in Niebuhr's own words:

The more man establishes himself in power and glory, the greater is the fear of tumbling from his eminence. . . . The will-to-power is thus an expression of insecurity even when it has achieved ends which . . . would seem to guarantee complete security. The fact that human ambitions know no limits must therefore be attributed . . . to an uneasy recognition of man's finiteness, weakness and dependence, which become the more apparent the more we seek to obscure them.²⁸

Such a situation of competing wills-to-power introduces a problem of harmonization. The more power a person or nation has the more its life impinges upon another's life. It is also becoming evident that the more tension and conflict result from the possession and use of power, the more it becomes functionally and morally necessary (at least for Niebuhr) to bring that power into some workable and decent harmony. Moral resources become necessary to formulate an understanding of justice. Mere self-righteous justification is a glossing over of the problem of harmonization. One must recognize and accept the power of self interests in our society without giving them

²⁸ Reinhold Niebuhr, "Editorial," *Christianity and Society*, XI:2 (Spring 1946), 3-10.

moral justification. But one must also recognize the subsequent need for harmonization of these powers in our social order if justice is to be achieved, according to Niebuhr. This is not to suggest either conformity or unanimity of the direction of power. Niebuhr's understanding arises out of the context of tension and conflict and points toward the harmonization or equilibrium of *opposing* forces. The question of justice, then, originates in the process of bringing not only order (necessary for survival) to society, but also order in matters involving human integrity, prestige and pride as well as the demands upon and giving of the self to others.

The problem arises whenever a person or group reaches a stage of having gained undue power which is allowed for any reason to go unchecked, uncriticized and unchallenged. When such is the case, Niebuhr describes it as power having become "inordinate." From our discussion it becomes apparent that Niebuhr's application of social ethics is concerned with the relationship between justice and power. Beginning with the prideful egoism of men and their groups, Niebuhr argues that their power needs to be checked or harmonized by those of whom they may be tempted to take some unfair advantage.

The struggle for justice consists largely in the effort to increase the power of the victims of injustice. But the victims themselves will always be tempted by their new power. Sometimes they are driven by blind fury which must be checked, or by false idealism which gives them an excuse for cruel and unjust methods for the realization of their goals.²⁹

²⁹Kegley, *op. cit.*, p. 60.

Thus, Niebuhr concludes the "force of egoism" and the "limits of human imagination" will make the struggle for justice, the struggle for human integrity and brotherhood "a perpetual one."³⁰

BALANCE OF POWER

Upon the groundwork of the foregoing discussion I should like to examine some of Niebuhr's considerations of the notion of "balance of power" as a basis for understanding "justice." Any discussion of "balance" must begin by recalling the two organizational elements of communal life. There must first of all be a central organizing principle of power, e.g. democratic government receiving its power to govern from the consent of the governed. Secondly, Niebuhr has particularly argued for the equilibrium of power as an essential aspect within the very structures of communal organization.

All historic forms of justice and injustice are determined to a much larger degree than pure rationalists or idealists realize by the given equilibrium or disproportion within each type of power and by the balance of various types of power in a given community. It may be taken as axiomatic that great disproportions of power lead to injustice, whatever may be the efforts to mitigate it.³¹

Now it is precisely in this context that one of the central problems relating particularly to an equilibrium of power arises. When the consent of the governed is given, along with it must go responsibility in large measure for ethical self-control. Yet such an action does not obviate any necessity for reducing power to a minimum or

³⁰*Ibid.*, p. 167.

³¹Niebuhr, *The Nature*, II, 262.

bringing the remainder under the strongest measure of public or social control, according to Niebuhr. For there is no ethical force strong enough to build any inner checks into the use of power if in fact the quantity of power is inordinate. As recently as 1959 Niebuhr wrote of liberal democracy's "characteristic policies of assuring both order and justice by a check upon power and by an equilibrium of power. . . ."

He comments that they

. . . do not apply except in a highly integrated parochial or national community. Nations have of course striven for both justice and an uneasy peace by the principle of the balance of power, which guaranteed justice in the national community. But this lack of a single organ of dominion and authority made it impossible to achieve a stable peace.³²

While there is the problem of no ethical force strong enough to insure inner checks, there is a further and somewhat related danger. In Niebuhr's words,

Naturally the tension of such a balance of power may become overt; and overt tensions may degenerate into conflict. The center of power, which has the function of preventing this anarchy of conflict, may also degenerate into tyranny. There is no perfectly adequate method of preventing either anarchy or tyranny. But obviously the justice established in the so-called democratic nations represents a high degree of achievement; and the achievement becomes the more impressive when it is compared with the tyranny into which alternative forms of society have fallen.³³

The importance of a *balance* of power can be seen through the transparency of the preceding illustration. Without a sufficiently strong

³² Reinhold Niebuhr, *The Structures of Nations and Empires* (New York: Charles Scribner's Sons, 1959), p. 28.

³³ Reinhold Niebuhr, *Christianity and Power Politics* (New York: Charles Scribner's Sons, 1940), p. 27.

ethical force to insure internal checks, and lacking a "perfectly adequate method" of preventing either extreme from tumbling the balance into chaos, the tension is essential to maintaining a balance of power. With such a precarious tension it leads us to ask if a balance of power is *realistic*. If, for instance, it were understood as two units of power over against two more units of power, then such a notion becomes ambiguous. In the area of international trade a nation will strive to create what is known as a "favorable balance of trade." Likewise in treaty negotiations the goal is a favorable balance of alliances, blocs, etc. In fact, in such situations, power *diminishes* wherever capabilities are absolutely equalized. We might therefore pose the following question: If social cohesion were impossible without coercion, and coercion impossible without injustice, if self-interest could not be checked without the assertion of conflicting self-interest, what are the prospects for social harmony and order? Niebuhr recognizes the delicacy of his position on balance of power. In words reflecting the stability of his realism he responds: "An uneasy balance of power would seem to become the highest goal to which society could aspire."³⁴ To Niebuhr the notion of a balance of power is a theory that seeks to construct "the most adequate possible mechanism for equilibrating of power." He continues to point out that whatever its problems, defects or weaknesses might be, "the policy of balance of

³⁴ Reinhold Niebuhr, *Moral Man and Immoral Society* (New York: Charles Scribner's Sons, 1934), p. 164.

power is not as iniquitous as idealists would have us believe. For even the most perfectly organized society must seek for a decent equilibrium of the vitalities and power under its organization."³⁵

What gives Niebuhr's discussion its note of urgency is the need for a theory that challenges the injustices and imbalances of a given social system "by setting power against power until a more balanced equilibrium of power is achieved."³⁶ The principle of equilibrium functions as a principle of justice insofar as it prevents domination or any other inordinate use of power.

Social force, or power, becomes an inevitable part of the social process due to the limitations of the human mind and imagination. That is to say, there is an inability to transcend one's own claims and interests such that one is able to envisage the claims and interests of his fellowmen so clearly. There are, therefore, at least two facts which call for our attention. To begin with, society is unable to dispense with the fact of coercion since the internal justice of a community does not achieve either completeness or perfection in the accommodations of claims and interests. Nor is it possible, writes Niebuhr, "to secure the external peace of a community in the partial, and sometimes total, anarchy of nations, without balancing power against power in times of peace and without setting power against power in times of war."³⁷ It is clear that Niebuhr believes both political

³⁵Niebuhr, *The Children of Light*, p. 118.

³⁶Kegley, *op. cit.*, p. 137.

³⁷Davis, *op. cit.*, p. 105.

community and justice to be achieved by some form of coercion applied in the name of competitive and collective self-interests toward some form of order by the most attainable balance of power. It is such a working of the equilibrium of power principle that successfully prevents the domination of one life by another. "Without a tolerable equilibrium no moral or social restraints ever succeed completely in preventing injustice. . . . In this sense an equilibrium of vitality is an approximation of brotherhood within the limits of conditions imposed by human selfishness."³⁸ Niebuhr does not deny the possibility of such limits and tensions of becoming a situation of overt conflict. The equilibrium of power principle is only a principle of justice insofar as it prevents domination and enslavement. But it may also become a principle of anarchy and conflict if its unresolved tensions result in overt conflicts.

A balance of power is in fact a kind of managed anarchy. But even so it is a system in which anarchy invariably overcomes the management in the end. An equilibrium of power without the organizing and equilibrating force of government is potential anarchy which becomes actual anarchy in the long run.³⁹

To elucidate, Niebuhr turns to modern democratic nations. There he attempts to illustrate at least three ways in which they have sought to bring a balancing of power into the service of justice. The first deals with the distribution of economic and political power and the attempt to prevent undue concentration of power. Secondly, these modern democratic nations have attempted to bring power under social

³⁸*Ibid.*, p. 107.

³⁹*Ibid.*, p. 108.

and moral review. Finally, they have attempted to establish inner checks (religious and moral) upon it. This final strategy of disciplining the exercise of power

. . . is usually interpreted to mean the cultivation of a sense of justice. The inclination 'to give each man his due' is indeed one of the ends of such a discipline. But a too confident sense of justice always leads to injustice. Insofar as men and nations are 'judges in their own cases' they are bound to betray the human weakness of having a livelier sense of their own interest than of the competing interest.⁴⁰

It is significant that Niebuhr continues to think of justice in terms of some sort of external norm that is imposed from outside the context of human history, viz. principle of equality. To be sure, some justice is possible. But within human society a "too confident sense of justice leads to injustice." He does not, in other words, view justice as a trustworthy dynamic within the social order because of man's use and misuse of it, that is to refer to the sinfulness within man. How, then, are we to proceed in the creation of order and justice in society given the sinfulness of man?

JUSTICE IN EQUALITY

To begin with, modern communities might be distinguished from earlier traditional communities by their insistence on the pursuit not only of order but of justice. Here Niebuhr begins with a recognition of the traditional or classical position of apparently equating order and justice. Aristotle (*Nichomachean Ethics*, V, Chapter 6)

⁴⁰ *Ibid.*, pp. 318-319.

states, "Justice exists only among men whose mutual relations are governed by law." Plato (*The Republic*, V.) asks, "Can there be any greater evil than discord, plurality and distraction where unity ought to reign, and a greater good than the bond of unity?" It may be generally asserted, however, that traditional communities insisted on paying a somewhat excessive price in justice for the sake of order. This was perhaps due to the fact their order was never secure and depended upon an undue emphasis upon the authority of the ruler. For them, non-order was tantamount to non-existence. Thus, Niebuhr recognizes the need to raise the question of meaning in existence alongside the question of order and justice.⁴¹ He writes: "Every nation needs working principles of justice, as criteria for its positive law and system of restraints. The profoundest of these actually transcend reason and lie rooted in religious conceptions of the meaning of existence."⁴²

One of the assumptions here is that human existence is a significant context for the realization of justice. This is so because the law of man's nature is love, "a harmonious relation of life to life in obedience to the divine centre and source of his life."⁴³ Yet, while love is the primary law of his nature, brotherhood is "the fundamental requirement of his social existence."⁴⁴ This is but

⁴¹Niebuhr, *The Structures of Nations*, p. 4.

⁴²Niebuhr, *The Children of Light*, p. 53.

⁴³Niebuhr, *The Nature*, I, 16.

⁴⁴*Ibid.*, II, 224.

another way of putting the question of meaning in human existence alongside the question of order and justice. The concept of brotherhood is intended to raise not only the issue of order and justice but also the question of a meaningful existence. It is not enough to urge men to live in harmonious relation to each other, i.e. give up selfish ways. Rather, Niebuhr is more interested in the creating of systems of justice which save men from their selfishness.

Upon what principle of justice, then, does one draw upon in order to enhance "a harmonious relation of life to life in obedience to the divine centre and source" of life; and in order to fulfill the social existence and to save men from their selfishness? The essential ingredient in the sense of justice is that of "equality." For Niebuhr it is a transcendent principle which is therefore properly regarded as one of the regulative principles of "natural law." Man's highest social good lies with his freedom to develop the essential potentialities of equality. Yet if it is suggested (e.g. by any natural law theory) that *absolute* or final equality is a possibility in society, then equality is likely to become concretized in an ideology of some group. And ideology is something which justice is not. For such a conception as absolute equality fails to account for the necessity of what Niebuhr calls "functional inequalities."⁴⁵

Functional inequalities are to be understood as the dynamics of society or of social interaction. In such a sociological context

⁴⁵Niebuhr, *The Children of Light*, p. 55.

both the tradesman and the physician must function in an orderly fashion. If, however, one should by virtue of his trade or of his wealth begin to assume functional privileges to the disadvantage of the other (as the notion of the "force of egoism" might suggest, i.e. a perpetual struggle), then it becomes no longer only a question of order but also a question both of meaningful existence (i.e. self-realization within the possibilities and limitations of the giving of and demands upon the self), and of brotherhood (which would involve the aspect of equality). This is to say that any understanding of justice in fact presupposes sin as a given reality. When claims and interests clash and the struggle for power commences in order to satisfy the selfish desires, then any scheme of justice must carefully be defined and constructed so as to prevent one's life from taking advantage of another. Yet no scheme of justice can fully accommodate all the variable factors which the freedom of man introduces into human existence. In other words, the principle of equality stands between order and justice on the one hand and meaningful existence on the other.

For the principle of equality allows and requires that the self insist upon its own rights and interests in competition with the rights and interests of the other. Therefore equal justice is on the one hand something less than the law of love and on the other hand the law of love in rational form. In other words, equality is the approximation of the principle of love in the realm of law. It is such an approximation because the principle of the equal affirmation of all life is closest to the ideal of sacrificial love, in which each life is subjected to the necessities of life as such.⁴⁶

Perhaps our grasp of Niebuhr's position here would be helped

⁴⁶ Davis, *op. cit.*, p. 175.

by summarizing the two dimensions of justice, both of which are grounded in his doctrine of man. The first would include rules and laws about justice. The other dimension consists of structures of justice and of social and political organizations seen in their relation to brotherhood. The difference between the two can be observed in the fact that the first is abstractly conceived, whereas the second embodies the vitality of man's historical actions. Moreover, while the first dimension sets limits on each man's interests in order to prevent him from taking advantage of another, the second perpetuates a sense of continued obligation to society, a sense of relation of the self to others, and a sense of wider obligations as defined by the larger community.⁴⁷

It is particularly the second dimension dealing with structures that interests me most. It points beyond a simple balance of equalization of powers to a sense of social obligation. Consider this brief illustration. The benefits which may be paid to the unemployed are probably higher than an employed person would like them to be, while lower than the former feels is necessary. The final decision rests with the larger community and therefore reflects a compromise of conflicting interests and views. It is certainly *not* an unconditionally "just solution," for the decision results not only from rational reflection but also from fears, hopes and pressures of those directly involved. We may, therefore, speak of justice (with equality not as

⁴⁷ Niebuhr, *The Nature*, II, 247-250.

the final but as the regulative principle) as a compromise or harmonization of opposing forces. The issue or struggle cannot be allowed to be distorted by self-righteous illusions or by pressures toward blind conformity as a necessary prerequisite for order to be restored. In the midst of those situations involving a struggling of powers, Niebuhr places the issue of justice. This is the relationship between justice and power of which we spoke earlier. Niebuhr is speaking of the structures of justice as the possibility or capacity of checking (even deterring when necessary) the *arbitrary* and *oppressive* use of power. This is, I believe, his general understanding of justice when he speaks of it as being dependent upon "some kind of balance of power."

RELATION OF LOVE TO JUSTICE

But we must turn our attention to yet another significant aspect of Niebuhr's considerations of justice. That is the dialectic tension between love and justice. We have seen that he does not equate an equilibrium of power and brotherhood. Rather a condition of tension is produced by the restraint of one's will-to-power by the counter-presence of power by another.

Such a balance of power does not exclude love. In fact, without love the friction and tensions of a balance of power would become intolerable. But without the balance of power even the most loving relations may degenerate into unjust relations and love may become the screen which hides the injustices.⁴⁸

In the "Introduction" to a recent collection of Niebuhr's

⁴⁸Davis, *op. cit.*, p. 107.

essays, Ronald H. Stone writes:

Christian love properly understood undergirds and promotes a particular understanding of justice but always operates as a principle of criticism of particular realization of justice. Love is the motive and justice the method of Christian action in society.⁴⁹

Indeed, as a "principle of criticism" (Niebuhr's phrase) love is a resource of justice that functions to prevent pride, self-righteousness, and vindictiveness of men. As a "principle of discriminate criticism," love is the "closest approximation to a love in which life supports life in voluntary community . . ." and a "justice in which life is prevented from destroying life and the interests of the one are guarded against unjust claims by the other."⁵⁰

It is highly significant, however, to consider the thesis and the context in which Niebuhr sets his discussion of love and his dialectic relationship between love and justice. According to his stated thesis: "Our primary concern is with the twofold relation of structures of justice or various forms of communal organization to the principle of brotherhood. These structures invariably contain . . . both approximations and contradictions to the ideal of love."⁵¹ Niebuhr considers rules and laws (i.e. principles of justice abstractly conceived) as well as all systems governing social relations (i.e. embodiment of the vitalities of history) as potential instruments of justice. Together they enhance community. These systems and principles

⁴⁹ Niebuhr, *Faith and Politics*, p. xvi.

⁵⁰ Niebuhr, *Christianity and Power Politics*, pp. 25-26.

⁵¹ Niebuhr, *The Nature*, II, 265.

of justice function as instruments of servants of brotherhood as they extend the sense of obligation toward the other, i.e.

(a) from an immediately felt obligation, prompted by obvious need, to a continued obligation expressed in fixed principles of mutual support; (b) from a simple relation between a self and one 'other' to the complex relations of the self and the 'others'; (c) finally from the obligations, discerned by the individual self, to the wider obligations which the community defines from its more impartial perspective.⁵²

According to Niebuhr such communal structures and definitions evolve slowly through custom and law. Thus, in the above three ways rules and laws concerning justice serve a positive function with the law of love.

On the other hand, these same rules, laws and systems governing social relationships also imply a negative relationship to the ideal of brotherhood. From the beginning they presuppose the given sinfulness of human reality. They presuppose a tendency of any member(s) taking advantage of others, or at least to be more concerned for their own desires and interests. Thus, all systems of justice must weigh the situation making careful distinctions between the rights and interests of the members involved. "A harmony achieved through justice is therefore only an approximation of brotherhood. It is the best possible harmony within the conditions created by human egoism. Even if perfect love were presupposed, complex relations, involving more than two persons, require the calculation of rights."⁵³ Such a

⁵² *Ibid.*, II, 248.

⁵³ *Ibid.*, II, 252-253.

positing of both positive and negative relations of systems of justice to love or the ideal of brotherhood allows Niebuhr to conclude:

In so far as justice admits the claims of the self, it is something less than love. Yet it cannot exist without love and remain justice. For without the 'grace' of love, justice always degenerates into something less than justice.⁵⁴

Finally, we come to the point of viewing Niebuhr's understanding of love and then of the dialectic relationship of love and justice. As for love, Niebuhr wants to make a distinction between "mutual" and "sacrificial" love. The former is characterized by disinterested concern for another which elicits a reciprocal response. It is the highest historical possibility. That is to say only mutual love is justified by historical consequences. Yet mutual love can also be initiated by a type of disinterestedness which dispenses any historical justification. Such disinterestedness Niebuhr calls "sacrificial love."

Thus the pinnacle of the moral ideal stands both inside and beyond history; inside in so far as love may elicit a reciprocal response and change the character of human relations; and beyond history in so far as love cannot require a mutual response without losing its character of disinterestedness. The love commandment is therefore no simple historical possibility.⁵⁵

The perfect and therefore more desirable type of love is sacrificial love. Such love makes no careful calculations between claims and interests of the self and those of another. Yet earlier we saw justice described in terms of making careful calculations of rights, claims and interests. This is where the serious and difficult problems

⁵⁴ Davis, *op. cit.*, p. 165.

⁵⁵ Niebuhr, *The Nature*, II, 247.

exist, namely, in the relation of heedless, perfect love and the necessary discriminating judgments in matters of competing interests and desires. Niebuhr feels the spirit of justice is well served "if reason finds the point of coincidence between the interests of the self and those of the other or if not, if it makes careful and discriminate judgments between them."⁵⁶ It is clear that Niebuhr still relies upon that element of the classical tradition which views justice in terms of a balancing dynamic at work in nature. That is, according to the principle of equality, justice is something external which confronts and convicts man of his selfish violation of the rights and interests of another. Because it is sometimes also the source of injustice as well as presupposing the given reality of sin, Niebuhr views justice as convicting man but offering no redeeming value.

In an essay entitled, "The Relevance of an Impossible Ethical Ideal," Niebuhr states that as a redeeming dynamic "love is for man an 'impossible possibility.'"⁵⁷ This is his way of asserting the ever-present relevance of love in the life of the Christian, while at the same time pointing to its difficulties. Love is relevant in terms of judgment upon all that we do as well as being relevant in terms of providing the motive for all that we do. It is possible, for example, that human society could achieve greater realizations of justice if man only recognized an aspect of the love-justice relationship

⁵⁶ Davis, *op. cit.*, p. 157.

⁵⁷ Reinhold Niebuhr, *An Interpretation of Christian Ethics* (New York: Harper & Brothers, 1935), Ch. IV.

discussed earlier. That, if he more fully understood that any higher realization of justice also contains contradictions of, as well as approximations of the ideal of brotherhood or love. Justice alone, therefore, is inadequate for the sanctification and salvation of man. Only love fulfills the destiny of man. "The achievements of justice in history may rise in indeterminate degrees to find their fulfillment in a more perfect love and brotherhood; but each new level of fulfillment also contains elements which stand in contradiction to perfect love."⁵⁸ We are thereby obligated to realize justice, though in so doing realizing it is only in indeterminate degrees with no assurance of perfect fulfillment unless love accompanies and completes our strivings.

SUMMARY

By way of resume, then, I am led to two observations. First, there is the dialectic at work in Niebuhr's thought. There is movement from the ideal of Christian love to the reality of political power and back again. It is within this dialectic context that Niebuhr describes man's social aspirations. At the same time, however, he neither denies the reality of altruism or of egoism. Rather he uses the tension between man's self-giving and his self-seeking to describe the creative possibilities of human life. It might also be said that the very key to Niebuhr's social ethics is the dialectic relationship

⁵⁸Davis, *op. cit.*, p. 156.

between love and justice. Justice is the manifestation of love but never completely embodies the demands of love. In turn love increases the application and richness of the idea of justice. For the ideal of love of which Niebuhr speaks is that love defined for all times in Jesus' summary of the commandment of love and in his sacrifice.

The extension of the foregoing discussion spoke of a transforming capacity of love. It is love, especially the Christian ideal of love, that transforms power into justice. In the context of a balance of powers it sensitizes the conscience. On the other hand, if powers are not in balance in society it is love that drives the Christian to serve the needs of those who are neglected, threatened or exploited by the inordinate use of power by others. Niebuhr urges two cautions at this point. First, love is to be protected from all particular cultural and religious corruptions of the Christian ideal of love. Secondly, the Christian faith is to be expressed in symbols which inspire men to achieve the highest degree of social justice possible in their time.⁵⁹ This rings particularly true for our own present national turmoil. The Christian witness must be one that displays more than a rational idealism, indistinguishable from interpretations of our peculiar national circumstances by liberal and conservative alike. Any synthesis of conflicting views or interests is proving to be an extremely difficult task and may in certain conditions be impossible. Especially in the discussion of U. S. involvement in

⁵⁹Niebuhr, *Faith and Politics*, p. xvi.

southeast Asia, it is proving to be naïve to place too simple a trust in the impartial character of reason as many governmental officials are suggesting. On the other hand those who would accept the challenge and command to love at a time evidencing great hate and division must keep a sharp eye to the realism of the powers at work. The best we dare hope for is a balancing of powers. For

. . . perfect power and goodness can be united only in God, where the contest of life is transcended and where the possession of power does not lead to its misuse in the struggle for existence. In human history disinterested power is never so disinterested as it claims to be. It always insinuates something of the special interests of a participant in the struggle of life into the pretended position of disinterested preservation of justice.⁶⁰

Setting his work of social ethics in the context of the Christian faith, I find it entirely appropriate to close this chapter with the statement of faith expressed at the conclusion of his essay, "Theology and Political Thought in the Western World." Niebuhr concludes:

We believe that this majestic God who created the world and sustains it by his providence is finally revealed in Christ our Lord. We are protected by this faith from many aberrations into which the 'children of this world' perennially fall: hope of gaining purely human mastery over the drama of history; hope that evil will gradually be eliminated from the human community by growing human goodness or by more adequate instruments of justice; trust in the power of human reason and blindness to the corruption of that reason. . . .⁶¹

⁶⁰ Reinhold Niebuhr, *Discerning the Signs of the Times* (New York: Charles Scribner's Sons, 1946), pp. 140-141.

⁶¹ Niebuhr, *Faith and Politics*, p. 66.

CHAPTER IV

A CRITICAL COMPARISON OF JEREMIAH AND REINHOLD NIEBUHR

The principle intention of my work has been to discover Jeremiah's view of justice and to critically compare it to a view of justice held by a contemporary Christian ethicist, Reinhold Niebuhr. The basic goal of the comparison is to establish those fundamental considerations and presuppositions about justice and about man in community which offer the greatest potential for the distinctive mission of the church toward justice in human society.

As I see it there are three major areas of differences arising from the exegeses of Jeremiah and the summary exposition of Niebuhr. The first difference has to do with the foundations upon which justice rests. For Jeremiah the context of human relationships are central for understanding how man is or is not related to God, and how injustice arises. Niebuhr, on the other hand, begins with a rather formal description of the nature of man in order to indicate how justice is both necessary and possible. Secondly, Jeremiah constantly affirms the initiative which Yahweh has assumed in seeking to make manifest His order in human society which in turn becomes the focus of Jeremiah's prophecy. Niebuhr's vocational orientation leads him in quite another direction to affirm the creation of systems that will implement justice and save man from his selfishness. The final area of difference revolves around the comparison of two normative principles. Order (*mishpat*) is the normative principle presupposed by Jeremiah. Equality

is the normative principle presupposed by Niebuhr that is foundational (though not ultimate in the sense that self-sacrificial love is) for the establishment of justice.

It is in the light of these comparative aspects that I wish to begin to press the case for a view of justice focusing the mission of the church not so much upon an interpretation of justice in light of the reality of man's sin, as upon God's working among men as a basis for justice in human society. It is my contention that the notion of justice is to be fundamentally rooted in God's historical and social ordering of man's relationships. This contention holds comparative advantages for the distinctive mission of the church than does viewing justice as only a partial approximation of love, but as the highest social goal possible as a result of man's sin. This is a key point. When justice is interpreted in light of man's sin it does not offer the theological depth of meaning possible when it has a primacy and integrity of its own which even furnishes a richer understanding of sin.

I. The saving history not only of the people of Israel but also the Christian community and all men everywhere has as its goal and purpose the union of the people together in justice and solidarity. The history and sociality of mankind are inseparable--one is the result of the other. If history is to have any meaning it is that people belong together, that it leads men to sociality. To speak of the *community* of man is to speak of the coming together not only of men but of God and man as well. For the sociality of man is but a brief manifestation of God's initiative whose roots are in the historical ordering of man's

relationships. This perspective becomes clear in Jeremiah 5:26-29. Because the relationships among the people in the community have deteriorated to the point of injury and conflict of rights, it is Yahweh's judgment that is brought to bear. The concern of the prophet of God is for those members of the community whose rights have been ignored and usurped by others. That is to say, interpersonal relationships (sociality) are the context in which the conflict of rights brings God's judgment. The emphasis I want to raise at this point has to do with the *community* understood in its broadest sense, and not limited only to a community of election and covenant. It is the community that serves as the context of interpersonal relationships and also for the judgment of God. It is the social fabric of community that is at stake. The composition of that fabric consists of the *a priori* rights and claims of *all* members, poor and wealthy alike. When those rights and claims come into conflict, the community will experience the judgment of abused relationships, the breakdown of togetherness, and the loss of meaningful humanity.

Reinhold Niebuhr's theological-anthropology provides the foundation for his treatment of justice. While his thought focuses upon *The Nature and the Destiny of Man*, man is only understood in the context of his relation to God. For Niebuhr, this is the only way one can properly talk about man. Hence, his theological-anthropological presuppositions proceed from his statements about man being created *imago dei*, to his discussion of God's love and man's freedom inseparably bonded together, and climax in his discussion of man as sinner.

The major difference, then arising between Jeremiah and Niebuhr at this point is more a question of hermeneutical procedure than one of theological presuppositions. Having established the theological context of his discussions, Niebuhr moves almost immediately toward political implementation or substitution. That is to say, he moves rapidly in a functional switch from theological categories and presuppositions to political substitution of categories. Such categories as "balancing of powers," while perhaps reflecting the political realities and therefore necessary actions of governments, for example, are in the end lacking in any theological depth.

In terms of the distinctive mission of the church, for instance, the church cannot ignore political realities nor should it be so naive as to attempt its mission without some sense of political strategies and tactics if it is ever attempting to shift or bring new meanings to those realities. If, however, it is to be a *unique* mission, the church must engage itself in the living task of bringing theological depth and reflection into a dialectic tension with political categories. This is what Niebuhr attempts to do but never quite accomplishes. Instead he moves quickly from theological categories and principles to political ones and back again. Hence, the end result is little more than the objectification of theological categories and principles for political implementations.

It would be helpful to illustrate this procedure specifically as it applies to our issue of justice. Upon the basis of his theological presuppositions (man created *imago dei*, God's love and man's

freedom inseparably bound, and man's sin), Niebuhr proceeds to the question of the possibility of justice in human society. He begins, however, only *after* the discussion of man's sin. He does not, for instance, begin the discussion with God's love, i.e. the immanent law of love or "that harmonious relation of life to life" discussed in the previous chapter. The primary context for Niebuhr's treatment of the possibilities for implementing justice is his theological discussion of man's sin. He does not give due consideration to God's power, His presence, or His wisdom. Instead his primary consideration has to do with describing the nature of man, specifically his sinful nature, and the limits therefore imposed on man's attempts to establish justice. In the end Niebuhr must rely on man's structures and the principle of self-sacrificing love to fulfill those structures if justice is ever to be a reality. Yet, it is not enough to simply substitute categories. The theological realities of God's presence and initiative, His claims for justice and His grounding of that justice in human relationships must stand with its own integrity alongside the political realities. In this sense, theological categories and principles, and political categories and principles may be said to be mutually interpretive.

As an alternative, I propose that the Christian begin where he finds himself--not only in the midst of certain political realities and necessities, but also in the midst of community as the primary concern and context for the working out of God's purposes for man. It is essential for the church to begin with the more theological understanding

of community as the coming together of God and man, rather than taking man's sin so seriously as to allow it to shape and determine our understanding of and the possibilities for justice.

An emphasis upon the centrality of the community is derived from the exegesis of Jeremiah 7:1-15. In the Temple Sermon Jeremiah attacks the situation where a conflict of rights has arisen. In such a situation the danger is to faithfulness in their interpersonal relationships. The fabric of community, the solidarity and spirituality of the people is endangered. Jeremiah thus recognizes the deterioration of relationships. The doom he announces (vv. 13-15) will have a definite socio-historical context, viz. within the community.

This emphasis upon the centrality of the community functions to sharpen the focus of the church's mission. It would be a mistake to suggest that a desirable quality of political states, or realities naturally follows from properly ordered relationships within the community. Such a suggestion falls into the trap of simple substitution. Rather, ordered relationships as a primary consideration for justice in the human community brings a particular dimension and perspective of meaning independent of but also hopefully complimentary to the human structures for justice. Whereas structures are intended to perpetuate and protect a given reality deemed worthy or necessary by the community, the community's responsibility is ultimately to the reality itself which it perceives. Structures (as in Old Testament or contemporary laws) do not create the realities we experience, nor can they guarantee they will continue. Thus, what is fundamentally at stake is the very

fabric (reality) of the community itself. Engaging the structures of justice designed to protect those realities of the community (e.g. where there are widows, orphans and strangers in our midst unable to support themselves and their families entirely), focuses the church's mission upon its responsibility to finding and proclaiming the meanings of living. Clearly, however, there is very likely to be disordered relationships within some if not many of our human institutions and structures. And clearly these instances ought to be the focus of the Christian mission. But the point is that if there is no fundamental order in the relationships between lower class residents and a city council formed mostly of middle to upper class citizens (a concrete example we will consider in the next chapter), all the various laws that council may pass to limit the financial drain on the budget of welfare payments, for example, will have little if any meaning. If anything, the ghetto/barrio residents may view the laws with hostility and respond with a sense of alienation since they experience no fundamental sense of togetherness with the larger community. There is no meaning in law if there is no basic sense of order in our interpersonal relationships.

The responsibility of the community as a whole is further emphasized in Jeremiah 12:1-5. This text emphasizes that responsibility as it addresses the question, 'What is the significance of focusing upon the community context in the discussion of a concept such as justice?' From this text it becomes quite clear that justice is not primarily some abstract notion originating from outside the human

community and applies to only the more moral members. Rather, justice is very much a concrete reality that becomes known amid the tensions of the community, the tensions among the wicked and the righteous, and the prosperous and the poor. As Abraham Heschl puts it,

An individual's desire is his private affair, an individual's claim involves other selves. The claim of one person to attain justice is contingent upon the assumption that there is another person who has the responsibility to answer it. Justice, then, is an interpersonal relationship, implying both a claim and a responsibility.¹

Jeremiah 12:1-5 makes it clear, then, that justice will become realized in the fabric of the community or the community itself will deteriorate and justice will not be known by any. Justice is the practice which recognizes the fact of the existing community (or society) above all else! Hence where there is no *sociality*, there is no longer a *society*! Jeremiah cannot escape the realities of these tensions within the community. If God's purposes are to be realized at all, they will occur in the context of community.

The objectification of theological categories into political categories only avoids the more fundamental issue of how God accomplishes His purpose of maintaining order throughout the world and among men. This is indicated as Niebuhr heads in the direction of implementing justice. His primary concern appears to be more for the content of justice than for the basis of it. This is not to suggest that God's purposes of maintaining order are never related to realities of

¹Abraham Heschl, *The Prophets* (New York: Harper & Row, 1955), p. 209.

political power, but only to interpersonal relations. Nevertheless there are still certain Niebuhrian presuppositions which are open to question. The theological question of the foundations and meaning of justice is not to be sought in some conclusion about man's nature, nor is it to be sought in some ideal condition or political standards. It is rather to be sought in the community struggle to accomplish or delay the truth introduced by God's initiative and revelation into its existence. Hence, the presence of oppression and corruption of relationships strike a note of urgency in the question of maintaining order in the human community.

How might man, then, be theologically understood as contributing to the community context, if at all? How does man function in his interpersonal relationships so as to contribute to the working out of God's will in the general human community? To answer such questions it is necessary to refer to our earlier discussions of *mishpat*. The term, *mishpat*, is a kind of covenant term that describes both what one may claim as well as what one is bound to do to others. Essentially it encompasses all of a man's actions. It does not address itself to the question of the nature of man. Rather, *mishpat* refers to the way in which one is bound by covenant to always judge (decide) and act so as to remain faithful to and fulfill the covenant in much the same way as in the historical covenant community of Israel. That is, the action of *mishpat* describes the actions of men in their interpersonal relationships throughout the *entire* community (i.e. it is not only limited to those people within the church community). The question of justice

is centered within human society, especially within the community of relationships where men covenant with one another. Thus, justice may be said to occur within the context of (covenant) relationships. This means not only interpersonal (man-man) but also God-man relationships.

Social relationships, therefore, are the context for the forging of justice in the human community. It is important for the church to see this emphasis as coming from biblical texts themselves as opposed to coming from political considerations stemming from an understanding of man's nature. With this let us return to our texts to examine how the interpersonal relationships of a community serve as a basis for one's relationship to God.

The unit contained in Jer. 22:1-5 is a speech of Yahweh delivered to the people of the community in the person of the king. Within the covenant it is impossible for either the king or the people to avoid responsibility for or the necessity of their relationships. It is made clear in the exegesis of this passage that the relationships of the community (among the poor and wealthy, wicked and oppressed) directly affect the relationship the community has with Yahweh. The same correlation of community relationships to God-man relationships is implied in the other texts considered so far in this chapter. The notion of *mishpat* in each of these passages represents the sum of all the obligations incumbent upon the community by virtue of the historical covenant. Yet, *mishpat* can also be for us in the church today an inclusive term embracing moral demands and religious obligations. It is within this understanding of *mishpat* that the relationship of God

and man is to be regarded. The moral demands are ultimately prescribed by Yahweh. Yet these demands are not to be strictly distinguished from our obedience and attitude toward God. The demands are to be fulfilled within the community. But in fulfilling or rejecting those demands we reveal our attitude toward God. If we reject the demands and act unjustly toward the poor of our community, for example, we are to be judged guilty of injuring the solidarity, the very togetherness of the community intended by God. We are guilty of doing injury to another being whose pain and anguish reaches out and touches the compassion of God Himself. This is something quite different from Niebuhr's assertion that the power of the impulsive "will-to-power" places man *fundamentally* in conflict with other men. Instead we are, according to our texts, *fundamentally* a part of God's ordering of history, i.e. of cooperative community.

Yet, Niebuhr is not too distant from such an understanding of the way interpersonal relationships (among beings) serve as the basis for God-man relationships (Being-particular beings). We have already seen (Chapter II) that for Niebuhr the biblical view of man begins with the God who reveals Himself to man. In the presence of God, therefore, man can see himself as he truly is, according to Niebuhr, created *imago dei*. The implication that the image of God is not to be located in human reason but in the transcendence of the self is here accepted. However, man cannot be transcendent in a way that he is no longer in touch with reality. Hence, I would emphasize the part of the picture which stresses that in reaching beyond ourselves we are

identifying with a spirituality of being, that is of the affirmation and realization of being within a community. It is possible for us to see that we are all creatures, that we all are *one* within the order of God's creation. There is not only the common identification we as human beings share with other beings, but there is also the creature-Creator relationship. Niebuhr himself acknowledges the importance of seeing man in relation to God. He speaks of the organ of man's relation to God (*mudh*) as indicating a "capacity for and affinity with the divine." He seems to affirm the whole thrust of the internal ordering of creation intended and supported by God. Here I refer to a continuing and direct ordering activity originating in God's initiative and becoming rooted in the social and historical realities of man. Interpersonal relationships (evidencing a spirituality of being) in the context of community are essentially seen as indicators of the orderliness of creation as well as indicators of the spirituality of being.

If one speaks only of ethical precepts of themselves or of the *structures* of justice, he refers only to a kind of general common humanism or moral laws. It is only when the community views itself in terms of togetherness, or belonging together, that we can see our responsibility in interpersonal relations as directly affecting our relationship to God. For He is the one who creates the reality and maintains the unity of human experience. The urgency and necessity of submitting to the moral demands God places upon us is derived from the necessity of identifying one's being with the concerns and claims of

other beings, i.e. with the whole community of man. When the rights and/or claims of another being are violated, we must recognize that as we share in a spirituality or solidarity of being, we too must share in their anguish or pain. Likewise, when the claims of other beings, e.g. the poor, the widow, or the stranger are ignored, God also is ignored. For as we saw in our texts, knowledge of Yahweh unveils harmonious relationships where justice is manifested and where the presence and activity of Yahweh is evidenced among His people. With every claim made by God, by another person, or by oneself, there is implied a responsibility since all share in the process of being, or of life. When man forgot or began to ignore this orderliness and sharing of being or of life, it became necessary to protect the claims of the needy and the poor. This end was accomplished by the giving of the Torah to the people of Israel.

Here we have arrived at a crucial pivotal point of this chapter. *Before there was law there was order!* There was an order to creation and there was a sharing of being, i.e. a wholeness or spirituality of being (human togetherness). The law as well as other structures of justice became necessary only when that order of creation and of interpersonal relationships became threatened. Out of the concern for order, for re-affirming the human togetherness which all people share, Yahweh gave Moses the law that the relationships among men and between Himself and men might be *preserved*. Hence, the intention of covenant law was to describe what men owed to each other since they were all brothers before God. It is that same intention that speaks

to us today.

II. The quest for justice, therefore, embarked on a new quest for salvation. Jeremiah understood how the law was intended to secure the endangered order within the human community. But he also saw how the fulfillment of the law did not necessarily lead to the salvation of Israel, i.e. the restoration and preservation of that order. He saw, too, how the wicked prospered (12:1-5) and the oppressed suffered in spite of the law. Jeremiah was therefore driven by God's compassion for His people to restore them to right relationships. But he discovered that the key to restoration lay not with stricter law enforcement, but with people themselves. Justice did not follow from law given to preserve order. Nor does justice follow from law and order today. To view law and order on the one hand, and meaningful existence and justice on the other, is to view justice as a kind of external ideal norm to be achieved, as opposed to an internal, trustworthy dynamic of God's acting among men. To emphasize and clarify the point let us recall that one's conduct was earlier regarded over against

. . . an absolute norm, a legality which derives its norm from the absolute idea of justice. From this absolute norm, it was supposed, issued absolute demands and absolute claims . . . The mistake lay in seeking and presupposing an absolute ideal ethical norm, since ancient Israel did not in fact measure a line of conduct or an act by an ideal norm, but by the specific relationship in which the partner had at the time to prove himself true . . . To some extent, therefore, the specific relationship in which the agent finds himself is itself the norm: only, it must be borne in mind that people are constantly moving in very many relationships, each one of which carries its own particular law within it.²

²Gerhard von Rad, *Old Testament Theology* (New York: Harper &

Here again the contrast with Reinhold Niebuhr's stated position is significant. He would agree that God indeed reveals Himself to man and that man is therefore to be viewed in relation to God. Yet the resulting emphasis in such a view is upon man's propensity for evil. If it is the case that God assumes the initiative in revealing Himself to man (cf. Jer. 1:13-16, 7:1-15, 9:22-23, and 12:1-5), should there not be a more complete statement about the God-man relationship? Rather than dwelling upon a description of the sinfulness of man shouldn't the relationship itself be the focal point? It is essential, especially for the church, that attention be given to God Himself as initiating this relationship in the first place. It is essential because to view God as initiator, as creator, and as offering Himself in relationship to man is to view the principle of order in its proper perspective, namely, as preceding law and providing the basis of justice. Niebuhr therefore misses, in my opinion, the thrust of justice as a power and manifestation of God in human society working to restore His people to right relationships. Instead Niebuhr depends upon the Greek notion of external norms imposed from without, i.e. over against man's situation. By limiting himself to the idea of self-sacrificial love, his understanding lacks the richness and depth of God's presence, power, wisdom, and righteousness. Our own structures of justice, laws, legal systems, Niebuhr argues, are the best we can attempt even though they are imperfect reflections of the ideal norm. Their value lies in their capacity to point beyond themselves to that ideal norm. (We saw

Row, 1962), I, 371.

earlier where for Niebuhr the "ideal society" is contained in the concept of the Kingdom of God.) Our struggles for justice, according to Niebuhr, though necessary are judged by such an external norm and always found lacking. The purpose of Christ, then, was to answer the problem of human sin and make justice possible. But it is the realism of man's propensity for evil (he is creaturely and sinful) that limits man's efforts to achieve justice. Justice, therefore, is only an approximation of the ideal of self-sacrificial love. It is the primal reality which exposes the lesser reality of man's sin with a concreteness and richness that Niebuhr's lacks. Equality, however, (expressed by Niebuhr in terms of "balance of power") is the result of describing man's sin and concluding what is possible on the basis of this regulative principle. Such a procedure and result reduce God's action in Christ to self-sacrificial love alone. Hence, God's action is limited to love and excludes our understandings of His power, presence, wisdom and righteousness. His self-sacrificing love alone becomes absolute and ultimate.

When justice is limited by an external norm (equality or self-sacrificial love) to a single aspect of God's action, it no longer affords the richness possible for the Christian understanding of salvation.

From our texts it is clear that justice has an integrity of its own and is very much a part of God's saving activity and power. It is a *reality*, not an ideal or an approximation of one, that is initiated by God within the context of community. In short, justice

comes to be a means of revealing God's grace, i.e. as something of His assurances upon which we can depend as opposed to justice as only meaning to judge, to threaten, and to prevent our sin. Like Jeremiah, we (especially within the Christian community) are not to appeal to any norm or standard of justice as an end in itself. Rather we must speak of the God of justice and of God's concern for justice. This is the only proper stance in the stream of history in which we affirm the presence and manifestation of God. As we recall His concern in the past so is the present to be characterized and the future hoped for in terms of God's concern, especially for justice.

Jeremiah's case for justice proceeds upon a different set of presuppositions than the necessity of balancing power and insuring equality. The biblical perspective of justice begins by acknowledging Yahweh as the ruler within creation (9:22-23). It is the sovereignty of Yahweh (12:1-5) that pervades the foundations of human society. He is the source of creation, of justice, and of the destiny of the people of Israel. The human community is the arena wherein His purposes are worked out and His order established. It is the God of Israel who assumes the initiative in creating the realities of Israel's experience, including the realities of justice. Quite the contrary is the case with Reinhold Niebuhr's presuppositions about justice. Vocationally while he also presupposes a particular sense of order already present, he presses for the highest social good of man to secure an ordered and meaningful existence. Man's highest social good, he asserts, lies with his freedom to develop the essential potentialities of equality

which result in only a partial approximation of love. When a clash of conflicting claims and interests occur, structures must be carefully constructed so as to *prevent* one's life from taking advantage of another. Here Niebuhr distinguishes between those *potentialities* which man may develop on the one hand, and on the other those that lie with equality as an ideal norm (which is not fully possible given the reality of sin within the human situation). Thus to establish order (*real* equality and therefore meaningful existence) it is necessary, according to Niebuhr, to create and implement systems of justice to save man from his selfishness (sin). Hence, law and justice are identical in intention for Niebuhr.

The laws, balances, structures, and other human measures are insufficient in and of themselves to accomplish the work of justice. The attention and efforts of the church must *first* be drawn to the power of the reality to which these structures point. What is required is a new saving activity--the ordering of God to be recognized and realized in the experience of solidarity of all people. For justice is concerned with more than human systems. It is itself a mode of being. One either *is* or *is not* just. Thus, our appeals cannot afford to be to any norm or standard in any ideal or static sense. Our appeals must be made to the reality of order throughout society itself--the togetherness of the human community.

III. Here we arrive at one of the central problems of Niebuhr's notion of justice. Equality, or equilibrium of power also raises the problem of responsibility for ethical self-control. Niebuhr laments the fact

there is no ethical force strong enough to build any inner checks into the use of power if in fact the quantity of power becomes inordinate. Although I may agree with this aspect of Niebuhr's realism, it is nevertheless only half the picture. As a regulative principle of justice, equality operates primarily only between man-man relationships. One cannot really speak of any God-man relationship unless he understands equality as an ideal norm in which God brings His justice to bear in a punitive manner. This is certainly not the God reflected in Jer. 5:1-6. The case God has against His people is air-tight. There is no question of their apostasy. Yet His compassion is so great He will stay His judgment if but one person can be found *doing justice*. The phrase "doing justice" indicates how it is possible for men to assume some of the responsibility for ethical self-control. "Doing justice (*mishpat*)" refers to a *relationship* in which justice is at its base. It connotes a relationship not only of mutual concern for the needs and claims of the others, but also a relationship that recognizes and acknowledges who they are before God. Equality as an abstract and external norm cannot be experienced as an active, trustworthy dynamic within human relationships simply because it does not allow for man's relationship with God--the way love allows for it. We cannot afford to put all of our trust in human structures for the very reasons Niebuhr suggests. Instead we must come to know God as present and active in the relationships of men so that man might know through his relationship with God what "doing justice" requires.

Here is a second point of contention I would raise with

Niebuhr that arises out of the problem of equality. Niebuhr, in short, argues that due to the sinfulness of man only an approximation of justice is possible in human society. Contrition is a helpful attitude, but coercion is still necessary to maintain order and promote equality.³ Equality, therefore, stands somewhere between order and meaningful existence. Though as a regulative principle equality appears to be an external norm, Niebuhr, I think, intends for it to function as an internal dynamic of society. Even yet it is not of the kind of dynamistic usage we have seen in Deuteronomy and contemporary to the time of Jeremiah. For in our texts it is clear that no abstract or regulative principle such as equality is necessary so long as one can draw upon order itself as a power and enabler operative within human relationships.

Here again it is essential that we recall the primacy of order in God's world. Order stems from relationships not only among men but particularly between man and God. This is evident from our discussion of Deuteronomy in the Introduction. The focus of social order and responsibility was upon the relationship between Yahweh and His people. We then saw how in Deuteronomy the particular laws spelling out social responsibility continued to revolve around the relationship of Yahweh to His people and therein received direct authority from Yahweh Himself. The Temple Sermon, therefore, is a good example of the distinction to be made between regulative principles reflecting some

³ Reinhold Niebuhr, *Christianity and Power Politics* (New York: Charles Scribner's Sons, 1940), p. 23.

absolute ideal ethical norm, and dependence upon one's relationship with his God. Order does not follow from religious formulae ("This is the Temple of Yahweh . . ." Jer. 7:4), from books of law (Josiah's reform), or other external principles such as "equality." Order follows from God, the creator and sustainer of this world whose authority and compassion creates right relationships. This is what is meant to speak of *mishpat*.

The presupposition fundamental to *mishpat* is the properly ordered relationship which is known (especially to the Christian community) in the covenant. *Mishpat* is properly maintained relationships. If our understanding of justice is to begin with theological considerations, it must begin with the activity of God among men in properly ordered relationships. For *mishpat* is the power and vitality making manifest God's creative order and empowering man's solidarity or spirituality of being.

Niebuhr's use of brotherhood again is helpful and comes very close to the kind of solidarity referred to in the descriptions of the covenant community. Yet he is able only to speak of approximations of brotherhood. That is, he uses the category to speak of the limits of the rules and laws, and the structures of justice as well as political organizations. Within justice, therefore, are two dimensions in a kind of dualistic relation each to the other in Niebuhr's scheme. The rules and laws he views as leading to justice are abstractly conceived whereas the structures embody the vitality of man's historical actions. The former is intended to set limits on each man's interests that

justice may be realized. The latter are intended to perpetuate a sense of continued obligation to society. But, again, neither dimension bespeaks of God actively involved in the life of His people. Rules, laws, structures and organizations function only to *protect*, not provide, the ordering of human society. They are neither sources nor standards which provide order and therefore justice for human society. If we are to use any of our biblical perspective gained from Jeremiah we must begin with properly ordered relationships (*mishpat*). This means beginning with and focusing upon man's relationships and ordering and maintaining them toward the end of human togetherness and solidarity.

This is the proper starting point for salvation--man's relationship with God, not man's sinfulness. Thus we have spoken of *zedakah*--righteousness, the highest value of life--as the standard not only of man's relationship to God, but therefore also to his brothers as well. If any external or objective standard is to be posited at all, it must be God's righteousness. Justice and love *together* become the power or means whereby we pursue righteousness. Thus, for example, to set justice and love in dialectic tension as Niebuhr does is an unfortunate distortion of God's justice. It is a misunderstanding of the fundamental basis of human relationships. When justice is viewed as something achieved (a la Niebuhr) through rules, laws and structures, there is little consideration of the God-man relationship or of the preservation of God's order in this world. In maintaining His relationship, with His people, God did not commission Jeremiah to provide

a base of power for the poor, the widow or the stranger. Rather He called for the *protection* of His order in which the claims and rights of society's disadvantaged had been ignored. Granting of more power deals only with the *consequences* of man's sin, not with the heart of the reality of his sin. But another man does not act to protect the rights or claims of, say, the widow, then he himself has broken his relationship with God. There is, in other words, no salvation for him who willfully and knowingly breaks his relationship with God. This is to focus on the reality of man's sin. The responsibility for providing protection of the needy lies with man. If we assert we love the stranger but are not standing in obedience to God to protect the stranger then we are liars and the truth is not in us. In this sense justice and love cannot be separated.

Justice, therefore, can and must be viewed as the manifestation of God's grace. A relationship properly ordered (*mishpat*) is a manifestation of God's presence and activity among men. It is a situation of order. As opposed to being viewed as something imposed upon man from external sources, justice is an internal assurance of God's presence and activity (His ordering) within the community of man. It is that solidarity among people, that spirituality of being upon which I can depend. Justice is therefore very much a part of the historical reality of saving power. Niebuhr, however, argues that justice alone is inadequate for the salvation of man. Love alone, he asserts, fulfills man's destiny. This is possible only if one understands justice as something achieved through law. The recurring emphasis of this

study and particularly this chapter has been to reverse the order of such a view. Law does not provide order and justice. God has already established order and justice. Only later does He give the law that man might know of His will to protect those of human society requiring it. We are therefore obligated even as Christians to respond to the God of creation who seeks to become related with man. Our response is to be one of faithful obedience even as those of the covenant community of early Israel. Yet our obedience is not something to be transcended by love. *Mishpat*, as the basis of our relationships, itself implies an act of obedience to the commandment of Deuteronomy 6:5-6:

You shall love the Lord your God with all
your heart, and with all your soul, and with
all your might. And these words which I
command you this day shall be upon your heart.

Our obedience is to be based upon our relationship with God. It is further to be of the most intimate of relationships. Our trust, claims, rights and desires are to be directed first toward God and His order that our relationships with all others may become properly ordered, i.e. that *mishpat* may be present and manifest in human society.

IV. Briefly stated, the context for justice in human society lies within the groups and communities (rather than their internal structure!) which man forms, whether they be formal covenantal groups or the more informal associations of human relationships. It is the very fabric of human society that is at stake in the quest for justice.

In addition it is the principle of *mishpat* that not only best

compliments this context it also offers a theological basis for justice in the distinctive self-understanding of the church. *Mishpat* indicates that the initiative lies with God. This initiative takes the form of His steadfast love. It is God's *mishpat* that requires a loving response. This means that love becomes binding, making its claims upon men in their relationships. When men therefore, love their neighbor they are likewise obedient and rightly related to God. When men ignore the needs of the brother, the claim laid by God's steadfast love is also ignored and men are not related to God.

In the case of *mishpat*, the initiative is God's. Through His ordering activity He makes His presence known. It is not a case of paternalistic protection in which He makes the needy a powerful people. To the contrary, it is a case in which the needs of the brother become the responsibility of man. If the needs are not recognized or met, God's order is perverted and man brings judgment and destruction of order upon himself. On the other hand, Niebuhr's understanding of balancing powers in which the needy are to be granted more power deals only with the *consequences* of man's sin. *Mishpat*, however, focuses such social responsibility back onto man so that not just the consequences of man's sin but the real roots of human injustice are exposed. In short, it is not sin that gives rise to justice (Niebuhr) so much as it is God's demand for justice that exposes man's sin.

Finally, the hermeneutical principle of God's ordering activity found in Jeremiah offers a much richer theological understanding than Niebuhr's hermeneutical principle of equality which only defines the

content rather than the foundations of justice. *Mishpat* as a hermeneutical principle moved Jeremiah beyond the law and the subsequent systems of justice to a deeper consideration of the roots of human injustice. Niebuhr, however, turns his attention to political considerations aimed at implementing systems or structures of justice as a result of man's sinful nature. Whereas Jeremiah recognized that law and the subsequent systems of justice are themselves inadequate understandings of justice, Niebuhr concentrates on creating structures of justice designed to deal with the sinfulness of man. It can be said, then, that Niebuhr's view of justice is something that reacts to or is a result of man's condition. That is to say, neither law nor systems of power balances serve as the *basis* of justice. This is so because they deal only subsequently with the consequences of sin, and because such systems rely upon man's finite capacities and are subject to becoming ends in themselves. Thus it is possible, as Niebuhr has admitted, that such finite systems may in reality become deified or absolutized, a position the church cannot afford to assume if it is to engage in God's mission rather than only in man's designs. Thus, it is not the case that equality is essentially necessary for justice. What is essential, especially for the mission of the church, is seeking to know of God's ordering activity and doing His will in order to enhance that activity.

Yet this has been precisely the problem for the many years man has striven to live in meaningful harmony with his fellow man and in obedience to the divine. In the following chapter we will pick up some

concrete contexts in which we will try to gain some understanding of what it might mean to raise the question of doing God's will. Always the reader will be aware that this writer is adopting a particular perspective when raising the question of God's will and the doing of justice in human society. *Mishpat*, the principle of order, offers a richer understanding for the church's mission of justice. It is an engaging term that includes all the interactions of persons toward the end of true relationships between God and man as well as among men. This the basis of the mission of the church in the establishment of justice in human society.

CHAPTER V

POSSIBILITIES FOR A PRACTICAL APPLICATION

It now becomes our purpose to move in the direction of practical application. To speak of "practical application" of the ideas and conclusions is to introduce a somewhat ambiguous phrase. Yet it need not be so. The phrase might be misleading, for example, if one expects some sort of structured model which one might follow or apply in those critical situations where he senses the need for or even the demands of justice. On the other hand, the conclusions reached in the previous chapter have made it quite clear that structures and applicability refer only to the process of implementation of justice and not to the foundations of justice as such. They are not themselves assurance or providers of justice. Functionally one may speak of models or structures which protect or provide the opportunity for some expression of justice. The point is, however, to distinguish between the situation in which justice, or the affirmation of the rights and claims, is reflected in the solidarity or togetherness of the people; and on the other hand those structures or models that protect and promote such a situation.

In this light the following are presented as an opportunity to make such a distinction. The models are intended to provide a context in miniature in which a group (e.g. church groups) might gain some perspective on the distinction between the realities and the structures of justice. Further, they offer church groups a chance to bring its

own perspective, heritage, and gospel to bear upon, for example, such socio-political situations as a city council session.

Towards these ends I have chosen a form of simulation gaming. There are a number of reasons for this choice from which I will suggest the major advantages in a gaming situation. To begin with, simulation gaming constitutes a kind of caricature of the human community. It has a unique relation to life. The key word here is "simulation," meaning to assume the appearance of a reality. Because it does depend upon the pretendings of group members, those same members will be able to look at the simulated reality with both distance and some degree of objectivity. The second advantage is that in its unique relation to life, simulation gaming is an abstraction of certain aspects of that life, e.g. man's skills, his nature, his environment, etc.

The game may provide . . . that degree of abstraction from life and simplification of life that allows him to understand better certain fundamentals of social organization.¹

In addition to its unique relation to life and its capacity to offer abstractions of certain aspects, there is a third advantage in adopting a form of simulation gaming. Simply stated it offers a microcosmic experience in which the group members, or players can learn from their very participation in the game. For these reasons, then, I should like first to present a situation of role-playing which I believe assumes these dynamics to its own advantage. As a form of simulation gaming this role play should offer a group a caricature of social life, an

¹Sarane S. Boocock and E. O. Schild, *Simulation Games in Learning* (Beverly Hills: Sage Publications, 1968), p. 9.

opportunity for abstracting certain aspects of that life, and finally a chance for its participants to learn from their own experiences. Following the description of the role-play situation will be a series of questions aimed at raising some of the various issues encountered throughout this dissertation.

I. PARK CITY

A. Introduction

Park City is a pleasant and progressive city. It is a good place to live, work and raise one's family. It is a large enough city to offer a solid future, provide excellent educational and cultural opportunities, and good jobs and working conditions. Yet it is also small enough to make one feel at home with his neighbors.

The basic issue facing this community in recent weeks concerns an urban renewal project which primarily consists of a combination recreation-convention center. Clearly it would be a step toward securing the future for our community. The timing, however, is also important. If we do it now while a favorite son is governor, our place in the state will be assured once and for all.

A major stumbling block has temporarily delayed any decision by our city council until tonight. The downtown and surrounding area (district #2) presents a major problem. It is a blight upon the whole community. Clearly the recent rampage and looting by residents and dissidents has accomplished nothing. Yet the people of that section need help desperately.

The problem, then, is this. If the city council approves the urban renewal plan tonight, what will happen to the some 35,000 residents of the second district? If they move into the suburban districts (#3, #4, #5, and #6) they will have to double and triple up on housing just to be able to afford it. That simply won't work. Besides, such a move would also mean returning to half-day sessions in the schools. Those districts have just rid themselves of aggravating overcrowded classrooms and half-day sessions. As elsewhere, taxes are at their limit. Yet, the people of the second district cannot simply be thrown out of town. Many of them have a heritage of this community and financially others have too much at stake.

To some, developing the recreation-convention center out near the first and seventh districts rather than near the downtown area makes better sense. Then the city might later apply for federal funds to build more public and some private low-cost housing for the second district. Others oppose such an alternative because it would mean increased traffic and loss of residential area for future private development.

Time: Approximately 30-45 minutes for the game itself. The questions and discussion should follow this time limit.

Number of Participants: A mayor and six councilmen. As many residents of the second district as are people in the group after the council has been selected. All other observers oppose the plan.

B. The Problem

The Park City Council meets tonight to decide whether or not to approve the proposal to build a new combination recreation-convention center in the old industrial area of town, the second district. The issue has been hotly debated, especially since the recent rampage. Locally, the newspaper editor has fiercely favored the proposal and because of its editorial position, opponents are convinced the news coverage has been slanted. They angrily point out that reasons favoring the proposal have been headlined, while their opposition have only appeared in small print on page eight.

In the lead article of today's paper, four reasons for approving the plan appear on the front page. Continued on page eight we read of three reasons for opposition.

In Favor:

(1) The increased rapid population growth of Park City and its increasing importance in state business and politics make the recreation-convention center necessary.

(2) The old industrial buildings of the second district are now defunct. The owners have agreed to lease the land to the city at low cost on a long term basis if the center is built.

(3) In its present condition, the second district is a high crime area, a health hazard and a financial drain on the city. It produces little tax revenue while requiring extraordinary funds for police, fire, health, welfare, and maintenance needs.

(4) Such a plan as proposed is progressive so as to become a model for other cities suffering from similar economic problems.

In Opposition:

(1) Although strategically located in the state, Park City is not influential enough in state business and political circles

to attract sufficient convention business to make such a center economically practical.

(2) The needed recreation area should be located in the wooded area north of town and should include a portion of Golden Lake for public use rather than private development. An alternative plan has been presented to the city council, making such a proposal to use undeveloped land across the lake from Lake View Estates.

(3) The city must confront the problems of the second district and solve them in terms of the people who live there. Tearing the place down and forcing the residents out is an irresponsible and immoral attempt to eliminate the problems rather than to resolve them.

C. The City

Park City has a population of 150,000 residents. It has two major industries, both with modern plants. It is also the home town of the governor. Geographically the city's districts display very distinct upper, middle and lower classes of citizens.

Lake View Estates: The upper economic class lives in these districts (#1 and #7). The districts are located mostly in a beautiful wooded area north of town. This residential area is noted for its large trees, as well as its luxurious and expensive homes. Golden Lake so far has been restricted for the exclusive use of Lake View Estates residents.

Suburbia: The middle economic classes occupy the suburban areas, located north of the downtown area but spreading east and west. New shopping centers and schools are indications of growth. Three new elementary and a new high school, however, have raised property taxes to an incredibly high rate two years ago. The tax rate has been

bearable only because the frustration of overcrowded classrooms, unsafe buildings, half-day sessions and annoying transportation problems have finally been eliminated in these districts (#3, #4, #5, and #6).

Most of the working men and women are employed by the city's two major industries. Park City Furniture manufactures fine quality furniture. Elek-Troniks, Inc. is owned by the governor's family, all long-time residents of Park City.

Downtown-Industrial Areas: The lower economic classes live in this area (second district) located on the southern fringes of the downtown area and amid the old industrial area. The area has rapidly declined since the furniture factory and the electrical manufacturing plants have recently moved their new plants further to the south thus opening a new industrial development area. Hence, the residents are boxed in by a new industrial area to the south, suburban areas to the east and downtown to the north. With the new shopping centers, many downtown buildings have been vacated. With the new schools in the suburban areas, it has become necessary to relieve the older schools in the second district by bussing students to the new high school.

Unemployment is quite high in this district. When the new plants were built, automation and technicians replaced long-time employees. Finally, frustrations, demands, and pressures erupted into a rampage resulting in fires, looting, numerous injuries and even the killing of a police captain.

D. The City Council

The mayor and councilmen and councilwomen are serving as

elected officials of Park City. The mayor presides, but votes only in case of a tie. Four "aye" votes are necessary for approval. Each council member must vote or abstain.

Mayor: Previously a councilman and now in his third term as mayor. A policeman for seven years and brother of the police captain slain in the recent riot. Lives in Lake View Estates.

First District Councilman: Fourth term councilman and a vice president of the Park City Furniture Co. Lives in Lake View Estates.

Second District Councilman: Third term councilman, 60 years of age. Recently laid off from the furniture factory. Father figure for many years for neighbors and civic leaders. Lives on edge of downtown area.

Third District Councilman: First term councilman and production manager for Elek-Troniks, Inc. Chairman of his church's Board of Elders. Lives in suburbs with his wife, one high school age and two elementary school age children.

Fourth District Councilman: Second term councilwoman and math teacher in the new high school. Member of the Governor's Educational Advisory Committee. Also leads the Women's Club, "Keep Park City Beautiful" Committee. Lives in suburbs.

Fifth District Councilman: Third term councilman and owner of a prominent downtown jewelry store which has been robbed three times in the last year. In the recent looting all the windows in his store were broken and some merchandise stolen. Lives in suburbs with his wife.

Sixth District Councilman: Fourth term councilman and sales manager for Elek-Troniks, Inc. Owner of several tenement buildings in downtown and surrounding area. Lives in suburbs/Lake View Estates area.

E. The Meeting

- A. Procedure and ground rules rest entirely with the chairman (mayor) and the council.
- B. Citizens are encouraged to actively seek chances to address the council briefly, subject to mayoral-council permission.
- C. Council seeks consultation of each member and brief explanation of his/her vote.

With the mayor as a presiding officer the group should be given about 5-10 minutes to reflect on data essential to their position, talk over strategies, and plan tactics for the coming meeting (coalitions, demonstrations, etc.). The meeting then is called to order and proceeds for approximately 20 minutes. The mayor, therefore, should announce at the beginning of the meeting the time at which point the vote must be taken without further delay. Immediately following the vote the group in its entirety should break into a large group for discussion and evaluation.

F. Evaluative Questions

The intention of the following questions is only to afford a group the opportunity for examining interpersonal relationships in a sociological context. It is not the purpose of either the role play or the questions to prove a point. Rather the discussions should be open enough to affirm whatever experiences the group incurs. Along these lines, then, it will not be inappropriate to suggest some questions which will offer some direction to include some of the issues

raised in previous chapters. Besides those topics and questions arising from the group experience itself, the following questions may be helpful in searching for the foundations and functioning of justice.

1. Did the participants feel a sense of togetherness within their community? If not, what was happening that alienated people from sensing togetherness?

2. What judgments did individuals or groups make about other individuals or groups? How did other persons respond to these judgments?

3. How might the relationships among council members and between the council and public gallery be characterized? One of mutual trust? Supportive? Power-play-coalitions?

4. What conclusions were reached concerning human responsibilities?

5. Was the decision reached a *just* one? Why? Why not?

I have also chosen to include another simulation game to demonstrate a different kind of context in which to consider and evaluate justice and so-called "just" decisions.

II. THE CHURCHES GAME

A. Select Roles

The churches game is a game of negotiations. There are four power roles--clergy, administrative board, women's group, and young turks. The object of the game is to acquire as much money power as possible. This is done by collecting "Rewards" from the church

treasury, or by negotiating "side payments" from other players. The winner is the player with the most money at the end of the game. The game ends after ten voting periods or when the Kingdom of God is reached. Choose roles either by mutual agreement or by drawing lots. Any role may have more than one person playing, but each role casts only one ballot at voting time.

Poker chips or play money may be used as the game's capital. Money not held by players is kept in the church treasury, probably a closed container to prevent "bank robberies."

After the roles have been allocated, collect your starting capital and voting cards from the church treasury.

B. Negotiations

To begin, place a game marker (a coin or poker chip will do) on the negotiation circle. This starts the first negotiation period, which lasts five minutes. The administrative board is responsible for keeping the card and for calling out the end of each period. There are no restrictions on the negotiations. Deals may be made openly or secretly.

C. Voting

After the negotiation period has elapsed, move the game marker to the voting hall. This begins the two-minute voting period. Each player must cast one of his votes face down on the game board. Votes may be cast any time during the negotiation or voting periods. But

once placed on the board, the ballot cannot be exchanged or lifted from the board.

To calculate the voting total, first count the number of PUBLIC MEETING and INTERVENTION votes cast. An INTERVENTION vote cancels out one PUBLIC MEETING vote. For example, a vote of $3 + \text{INTERVENTION} + 0 + 1 = \text{INTERVENTION} + 4$, resulting in unnecessary building added to the church. A vote of $3 + 0 + \text{PUBLIC MEETING} + 1 = \text{one PUBLIC MEETING}$ and a total of 4, resulting in visiting evangelist cancels revival.

D. Consequences

Move the game marker along the appropriate road to discover the consequences of the voting. If two PUBLIC MEETING votes are cast, there is a PUBLIC MEETING. If one PUBLIC MEETING vote turns up, there may or may not be a PUBLIC MEETING, depending upon the sum total of the voting. If the voting total is 0, there is a PUBLIC MEETING.

If the ADMINISTRATIVE BOARD casts its INTERVENTION vote, and no PUBLIC MEETING vote turns up, the administrative board has to pay for the cost of an unnecessary building added to the church. For example, if the vote is $1 + \text{INTERVENTION} + 2 + 1 = \text{INTERVENTION}$ and total of 4, the administrative board pays the church treasury \$5,000. However, if the administrative board had voted 1 instead of INTERVENTION, the total would have been 5 and the administrative board would have collected 10% tithe from each player. If the administrative board had voted 0 instead, the young turks would have collected \$5,000 from each player.

E. Strategies

Like it or not, the players are a coalition. They must cooperate if the church is to be rebuilt. The alternatives are PUBLIC MEETING or unpredictable change. The women's group and the young turks have the power to make a PUBLIC MEETING happen. Clergy and the administrative board control most of the assets and can bring church renewal to a grinding halt at any time. As the women's group and the young turks acquire more capital, they get more conservative. Clergy and the administrative board may become bankrupt and attempt to incite PUBLIC MEETINGS. The interplay is terrific and exciting.

In the early stages of the game, most of the negotiations are likely to be conducted openly. As the game progresses, secret deals may become more prevalent. Under the table payments will be made. A player may double-cross his partner for a bribe. Promises to pay later may be broken. But throughout it all, the players bargain, argue, threaten, and eventually reach some agreement--just as in life.

F. Rewards

Rewards are collected from the church treasury. To obtain a reward, the voting total must be 6 or 7 with no PUBLIC MEETING vote. The rewards are collected in sequence. The first reward, purification, is collected only the first time a 6 or 7 is voted. The second time cooperation is achieved, the second reward, justification, is collected, and so on, until the Future Church and the Kingdom of God is reached. After the last vote of the game, no money can change hands except money

due as taxes or penalties arising from the final vote.

G. Starting Capital

Clergy	- \$50,000.00	Negotiations Circle
Administrative Board	- \$30,000.00	- 5 minutes
Women's Group	- \$10,000.00	Voting Circle
Young Turks	- \$ 0.00	- 2 minutes

H. Votes

- | | |
|---|--|
| 1.) one PUBLIC MEETING and 4, 5, or 6
OR
INTERVENTION and 6 | ----- Visiting Evangelist
Cancels Revival
each player pays \$2000.00
to church treasury |
| 2.) 4 | ----- Resolution on the Draft
Passed
Young Turks collect
\$5000.00 from each player |
| 3.) 1, 2, or 5
OR
INTERVENTION and 0 | ----- Building Repair
10% of each player's
capital is paid to the
administrative board |
| 4.) 0
OR
PUBLIC MEETING and 0, 1, 2, or 3
OR
2 PUBLIC MEETINGS and any
combination | ----- Public Meeting/Faction
Leaves Church
each player loses 1/2
of capital to church
treasury |
| 5.) 3 | ----- New Study for the Clergy
Clergy collects \$2000.00
from each player |
| 6.) INTERVENTION and 1,2,3,4, or 5 | ----- Unnecessary Building
added to Church
Administrative Board
loses \$5000.00 to church
treasury |
| 7.) No PUBLIC MEETING votes and 6 or 7 | ----- REWARDS for Cooperative
Action (use table to
determine reward) |

I. Rewards for Cooperative Action ONLY

Clergy	Administrative Board	Women's Group	Young Turks
	1st Reward - Purification		
\$30,000.00	\$10,000.00	\$10,000.00	\$5,000.00
	2nd Reward - Justification		
\$20,000.00	\$10,000.00	\$20,000.00	\$10,000.00
	3rd Reward - Sanctification		
\$10,000.00	\$10,000.00	\$30,000.00	\$20,000.00
	Final Reward- Kingdom of God		
\$50,000.00	\$40,000.00	\$40,000.00	\$30,000.00

J. Voting Capability of each Group

Clergy	Administrative Board	Women's Group	Young Turks
- 0	- 0	- 0	- 0
- 1	- 1	- 2	- 1
- 3	- INTERVENTION	- PUBLIC MEETING	- PUBLIC MEETING

K. Evaluative Questions

- 1) What was the nature of the relationships among the groups? Coalitions? Cooperative Spirit? Sense of common interests or togetherness?
- 2) Were some agreements more just than others? If so, in what way? What prevented some solutions from being just ones?
- 3) Were the goals of the game realistic? If not, are there other goals which would either be more realistic or directed more toward justice in the mission of the church?

(Note: The above games were adapted from the following sources: Edwards, Bobby O. "A Night in Midcity," June, 1970. (mimeograph); and Chapman, David C. "The Churches Game," an adaptation of "The Cities Game," by David Popoff. (mimeograph).)

BIBLIOGRAPHY

A. BOOKS

- Anderson, Bernhard W. *Understanding the Old Testament*. Englewood Cliffs: Prentice-Hall, 1957.
- Anderson, G.W. *Prophetic Contemporaries: A Study of Jeremiah and Ezekiel*. London: Epworth Press, 1967.
- Beatty, R.C., et al. *Vanderbilt Studies in the Humanities*. Nashville: Vanderbilt University Press, 1951.
- Bewer, J. A. "Jeremiah" in *Harper's Annotated Bible*. New York: Harper & Brothers, 1956.
- Blank, Sheldon H. *Jeremiah: Man and Prophet*. Cincinnati: Hebrew Union College Press, 1961.
- Boocock, Sarane S. and E. O. Schild. *Simulation Games in Learning*. Beverly Hills: Sage Publications, 1968.
- Bright, John. *A History of Israel*. Philadelphia: Westminster Press, 1959.
- _____. *Jeremiah*. (Anchor Bible, 21) Garden City: Doubleday, 1965.
- Brown, Francis, S. R. Driver, and Charles A. Briggs. *A Hebrew and English Lexicon of the Old Testament*. Oxford: Clarendon Press, 1966.
- Buber, Martin. *The Prophetic Faith*. New York: Macmillan, 1949.
- Calkins, Raymond. *Jeremiah the Prophet*. New York: Macmillan, 1930.
- Cunliffe-Jones, H. *The Book of Jeremiah*. Introduction and Commentary. (Torch Bible Commentary) New York: Macmillan, 1961.
- Davis, Harry R. and Robert C. Good (eds.) *Reinhold Niebuhr on Politics*. New York: Charles Scribner's Sons, 1960.
- Driver, S. R. *The Book of the Prophet Jeremiah*. London: Hodder and Stoughton, 1906.
- _____. *An Introduction to the Literature of the Old Testament*. Cleveland: World, 1965.
- Eissfeldt, Otto. *The Old Testament: An Introduction*. New York: Harper & Row, 1966.
- Fohrer, Georg. *Introduction to the Old Testament*. Nashville: Abingdon Press, 1968.

- Giesebrecht, F. *Das Buch Jeremiah*. 2. Aufl. (Handkommentar zum Alten Testament) Göttingen: Vandenhoeck & Ruprecht, 1907.
- Glueck, Nelson. *Hesed in the Bible*. Tr. by Alfred Gottschalk. Cincinnati: Hebrew Union College Press, 1967.
- Gordon, T. Crouther. *The Rebel Prophet*. New York: Harper & Brothers, 1932.
- Gottwald, Norman K. *A Light to the Nations*. New York: Harper & Brothers, 1959.
- Gunneweg, A. H. J. *Mündliche und schriftliche Tradition der vorexilischen Prophetenbücher*. Vandenhoeck & Ruprecht, 1959.
- Hahn, Herbert F. and Horace D. Hummel. *The Old Testament in Modern Research*. Philadelphia: Fortress Press, 1966.
- Heschl, Abraham J. *The Prophets*. New York: Harper & Row, 1955.
- Hyatt, J. Philip. "Jeremiah: Introduction and Exegesis," *The Interpreter's Bible*. Nashville: Abingdon Press, 1951. V, 777-1142.
- _____. *Jeremiah, Prophet of Courage and Hope*. Nashville: Abingdon Press, 1958.
- The Interpreter's Dictionary of the Bible*. 4 vols. Nashville: Abingdon Press, 1962.
- Jeremiah, Alfred. *Das Alte Testament in Lichte Des Alten Orients*. Leipzig: Hinrich, 1916.
- Kegley, Charles W. and Robert W. Bretall (eds.) *Reinhold Niebuhr: His Religious, Social and Political Thought*. (Library of Living Theology, 2) New York: Macmillan, 1956.
- Knierim, Rolf. Lectures in the class, "Old Testament Theology." School of Theology at Claremont, October 20, 1969.
- Lindblom, J. *Prophecy in Ancient Israel*. Philadelphia: Fortress Press, 1965.
- Mandelkern, Solomon. *Concordantiae Hebraicae atque Chaldaicae*. 2 vols. Graz: Akademische Druck u. Verlagsanstalt, 1955.
- Morgan, G. Campbell. *Studies in the Prophecy of Jeremiah*. London: Lowe & Brydone, 1966.

- Mowinckel, Sigmund. *Prophecy and Tradition*. Oslo: Dybwad, 1946.
- _____. *Zur Komposition des Buches Jeremia*. Oslo: Dybwad, 1914.
- Niebuhr, Reinhold. *The Children of Light and the Children of Darkness*. London: Nisbet, 1945.
- _____. *Christian Realism and Political Problems*. New York: Charles Scribner's Sons, 1953.
- _____. *Christianity and Power Politics*. New York: Charles Scribner's Sons, 1940.
- _____. *Discerning the Signs of the Times: Sermons for Today and Tomorrow*. New York: Charles Scribner's Sons, 1946.
- _____. *Faith and Politics*. Ed. by Ronald H. Stone. New York: Braziller, 1968.
- _____. *An Interpretation of Christian Ethics*. New York: Harper & Brothers, 1935.
- _____. *Love and Justice*. Ed. by D. B. Robertson. Philadelphia: Westminster Press, 1957.
- _____. *Moral Man and Immoral Society*. New York: Charles Scribner's Sons, 1934.
- _____. *The Nature and Destiny of Man*. 2 vols. New York: Charles Scribner's Sons, 1964.
- _____. *The Structures of Nations and Empires; a study of the recurring patterns and problems of the political order in relation to the unique problems of the nuclear age*. New York: Charles Scribner's Sons, 1959.
- Noth, Martin. *The History of Israel*. New York: Harper & Row, 1960.
- _____. *The Laws in the Pentateuch and other studies*. Edinburgh: Oliver & Boyd, 1966.
- Nötscher, F. *Das Buch Jeremias*. (Heilige Schrift des Alten Testaments) Bonn: Hanstein, 1934.
- Oesterley, W. O. E. and Theodore H. Robinson. *An Introduction to the Books of the Old Testament*. London: S.P.C.K., 1955.
- Orlinsky, Harry M. *Interpreting the Prophetic Tradition*. New York: KTAV, 1969.

- Peake, A. S. *Jeremiah*. 2 vols. (New Century Bible, 14) Edinburgh: Clark, 1910-12.
- Pedersen, Johannes, P.E. *Israel: its life and culture*. 2 vols. London: Oxford University Press, 1926-40.
- Pfeiffer, Robert H. *The Books of the Old Testament*. New York: Harper & Brothers, 1957.
- _____. *Introduction to the Old Testament*. New York: Harper & Brothers, 1948.
- Rad, Gerhard von. *Gesammelte Studien zum Alten Testament*. München: Kaiser, 1958.
- _____. *Old Testament Theology*. 2 vols. New York: Harper & Row, 1965.
- _____. *The Problem of the Hexateuch and other essays*. New York: McGraw-Hill, 1966.
- _____. *Studies in Deuteronomy*. (Studies in Biblical Theology, 9) Chicago: Regnery, 1953.
- Reventlow, H. Graf von. *Liturgie und prophetisches Ich bei Jeremia*. Gütersloh: Mohn, 1963.
- Robinson, H. Wheeler. *The Cross in the Old Testament*. Philadelphia: Westminster Press, 1955.
- Rowley, H. H. *From Moses to Qumran*. New York: Association Press, 1963.
- _____. *Studies in Old Testament Prophecy*. Edinburgh: Clark, 1946.
- Rudolph, Wilhelm. *Jeremia*. (Handbuch zum Alten Testament, 12) Tübingen: Mohr, 1958.
- Sellin, Ernst. *Introduction to the Old Testament*. London: Hodder & Stoughton, 1923.
- Skinner, J. *Prophecy and Religion, Studies in the Life of Jeremiah*. Cambridge: University Press, 1930.
- Smith, G. A. *Jeremiah*. 4th ed. New York: Harper & Brothers, 1929.
- Vaux, Roland de. *Ancient Israel*. 2 vols. New York: McGraw-Hill, 1965.

- Volz, Paul. *Der Prophet Jeremia*. (Kommentar zum Alten Testament) Leipzig: Deichert, 1928.
- Weiser, Artur. *Das Buch des Propheten Jeremia*, Kapitel 1-25,14 (Alte Testament Deutsch, 20) Göttingen: Vandenhoeck & Ruprecht, 1959.
- _____. *Einleitung in das Alte Testament*. Göttingen: Vandenhoeck & Ruprecht, 1957.
- Westermann, Claus. *Basic Forms of Prophetic Speech*. Philadelphia: Westminster Press, 1967.
- _____. *Handbook to the Old Testament*. Minneapolis: Augsburg, 1967.
- _____. *Essays on Old Testament Hermeneutics*. Tr. James Luther Mays. Richmond: John Knox Press, 1966.
- White, K. Owen. *The Book of Jeremiah*. Grand Rapids: Baker, 1961.
- Young, Robert. *Analytical Concordance to the Bible*. Grand Rapids: Eerdmans, 1955.
- Ziegler, U. *Ieremias*. (Septuaginta, 15) Göttingen: Vandenhoeck & Ruprecht, 1957.

B. ARTICLES

- Bright, John. "The Book of Jeremiah: Its Structure, Its Problems, and Their Significance for the Interpreter." *Interpretation*, IX (July 1955), 259-78.
- _____. "The Date of the Prose Sermons of Jeremiah." *Journal of Biblical Literature*, LXX:1 (March 1951), 15-35.
- Driver, S. R. "Linguistic and Textual Problems in Jeremiah." *Jewish Quarterly Review*, XXVIII (1937-8), 97-129.
- Eichrodt, Walther. "The Right Interpretation of the Old Testament: A Study of Jeremiah 7:1-15." *Theology Today*, VII:I (April 1950), 15-25.
- Fohrer, Georg. "Remarks on Modern Interpretation of the Prophets." *Journal of Biblical Literature*, LXXX:4 (December 1961), 309-19.

- Gerstenberger, E. "Jeremiah's Complaints: Observations on Jeremiah 15:10-21." *Journal of Biblical Literature*, LXXXII:4 (December 1963), 393-408.
- Holladay, William L. "Prototype and Copies: A New Approach to the Poetry-Prose Problem in the Book of Jeremiah." *Journal of Biblical Literature*, LXXIX:4 (December 1960), 351-67.
- Horst, J. "Die Anfänge des Propheten Jeremia." *Zeitschrift für die alttestamentliche Wissenschaft*, XLI (1923), 94-153.
- Hyatt, J. Philip. "The Foe from the North in Jeremiah." *Journal of Biblical Literature*, LIX:4 (December 1940), 499-513.
- _____. "Jeremiah and Deuteronomy." *Journal of Near Eastern Studies*, I:2 (April 1942), 156-73.
- May, Herbert Gordon. "The Chronology of Jeremiah's Oracles." *Journal of Near Eastern Studies*, IV:4 (October 1945), 217-27.
- _____. "Towards an Objective Approach to the Book of Jeremiah: The Biographer." *Journal of Biblical Literature*, LXI:3 (September 1942), 139-55.
- Mendenhall, George E. "Covenant Forms in Israelite Tradition." *Biblical Archaeologist*, XVII (September 1954), 50-76.
- Niebuhr, Reinhold. "Editorial." *Christianity and Society*, XI:2 (Spring 1946), 3-10.
- Rad, Gerhard von. "Die Konfessionen Jeremias." *Evangelische Theologie*, III:7 (July 1936), 265-76.
- Stone, Pearle F. "The Temple Sermons of Jeremiah." *American Journal of Semitic Languages and Literature*, L:2 (January 1934), 73-92.
- Waldow, H. Eberhard von. "Social Responsibility and Social Structure in Early Israel." *Catholic Biblical Quarterly*, XXXII:2 (April 1970), 182-204.
- Chapman, David C. "The Churches Game," an adaptation of "The Cities Game," by David Popoff. (mimeograph)
- Edwards, Bobby O. "A Night in Midcity," June, 1970.

APPENDIX A

FORMS OF מַעֲשֵׂה

- (1) 3 perf. pl.: עָשָׂה
Jer. 5:28
- (2) pt.: עָשָׂה
Jer. 11:20
- (3) Nif. pt. נִעְשָׂה
Jer. 2:35; 25:31
- (4) מַעֲשֵׂה
Jer. 5:1; 7:5; 9:23; 21:12; 22:3; 22:13; 22:15; 23:5; and 33:15
- (5) רַמַּעֲשֵׂה
Jer. 48:21
- (6) בַּמַּעֲשֵׂה
Jer. 4:2; 10:24; 17:11
- (7) לַמַּעֲשֵׂה
Jer. 30:11 and 46:28
- (8) cs. מַעֲשֵׂה
Jer. 5:4, 5; 8:7; 26:11; 26:16; 32:7, 8; 48:47
- (9) רַמַּעֲשֵׂה
Jer. 5:28
- (10) מַעֲשֵׂה, K.
Jer. 30:18
- (11) מַעֲשֵׂהוּ
Jer. 51:9
- (12) מַעֲשֵׂהוּ
Jer. 49:12
- (13) מַעֲשֵׂהִים pl.
Jer. 4:12; 12:1; 39:5 and 52:9
- (14) אֶת-כָּל-חֻקֹּתָי רֵא-כָל-מַעֲשֵׂי
Jer. 1:16

APPENDIX B

LIST OF RECURRING WORDS

- (1) דברי-רע *evil deeds*
Jer. 5:28; 21:12; 1:16
- (2) דין *minister/execute/do/plead the cause of justice*
Jer. 5:28(2); 21:12
- (3) יתום *helpless/fatherless or orphan/those subject to injury*
Jer. 5:28; 7:6; 22:3
- (4) מעשפט ; שפט *to judge*
Jer. 5:28; 1:16 (to announce: ודדתי); 11:20
- (5) אביונים *those subject to oppression and abuse*
Jer. 5:28
- (6) וראו-נא ודעו *look and observe*
Jer. 5:1
- (7) ובקשו . . . *and seek to find*
Jer. 5:1
- (8) עשה מעשפט *doing justice*
Jer. 5:1; 7:5; 9:23; 22:3; and 22:15; 23:5; 33:15
- (9) מעשפט אליהם *ordinances of their God*
Jer. 5:4, 5; 8:7
- (10) כי אם-חיטיב תיטיבו את-דרכיכם ואת-מעלליכם *amend your ways and your doings*
Jer. 7:5; 21:12
- (11) תעשקו *oppress/wrong/extort*
Jer. 7:16; 21:12; 22:3
- (12) גר *sojourner/traveller*
Jer. 7:6; 22:3
- (13) ואלמנה *widow*
Jer. 7:6; 22:3
- (14) והצילו *him who has been robbed (and requires saving)*
Jer. 21:12; 22:3

- (15) משפט *judgment*
Jer. 1:16; 26:11; 26:16; 48:47
- (16) רבצדקה ובמשפט --- רנעבעז *swear . . . in justice and in righteousness*
Jer. 4:2
- (17) ומתהולל *the boasting*
Jer. 9:23
- (18) צדיק אתה *have right on your side*
Jer. 12:1
- (19) ארחך אדבר משפטים אך *to raise a point of justice*
Jer. 12:1

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